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Warfare

Vincent Porter: Film Copyright
Branigan/Willemen: Subjectivity under Siege
Crofts/Enzensberger/Walsh: 'Happiness'

FILM WORK GROUP'S

JUSTINE^x

by the Marquis de Sade



A FILM WORK GROUP-BFI PRODUCTION 1976. 16mm. BLACK AND WHITE. OPTICAL SOUND. 90 minutes.

... There is a radical refusal of narrative closure, identification, and mastery of the text by the spectator. In its place the film questions cinematic space, the place of the spectator, and the conventional orders of cinematic pleasure.

... JIM GREALY

... ("JUSTINE...") avoids being simply 'pro' or 'anti'-narrative by using the repetitions and permutations of the Marquis de Sade's narrative to continually defer the expected rise to a moment of pornographic revelation.

... DON MACPHERSON

... I merely mean that to Sade's ritual (structured by Sade himself under the name scene) must respond (but not correspond) another pleasure ritual, which is the labour of reading, reading at work.

... ROLAND BARTHES

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SCREEN SEASON

Screen is organising a series of screenings and discussions at the NFT in June. The aim of the season is to focus some of the current debates in the magazine and film culture generally, in relation to films which we see as having importance and which have not received sufficient critical attention. The discussions will also address the areas of independent cinema and television.

It is hoped that the films will include: *The Story of a Man Who Left His Will on Film* (Oshima); *Dora and the Magic Lantern* (Kané); *Hong Yu* (Tsui Wei); *Blackbird Descending* (LeGrice); *A History and the City* (Mulloy). We also hope to screen the programmes *Sur et Sous La Communication* made by Godard and Miéville for French TV.

Full details in the June NFT booklet available from the BFI, 127 Charing Cross Rd, London W1.

Editorial

The issue of copyright has been discussed in *Screen* in two contexts: in v 16 n 4 (Winter 1975/6) in relation to Brecht's account of the lawsuit over the film of the *Threepenny Opera*, and by Jonathan Curling and Fran McLean in v 18 n 1 (Spring 1977) vis-à-vis the negotiations between the Independent Film-makers' Association and the British Film Institute as to the appropriate form of contract for BFI-Production-Board funded films. Brecht's concern was the contradictory collusion sustained by the legal fiction of author's right between the profitable capitalist production of 'artistic' works, specifically films, and the institutions of film performance and criticism that divide up films and their audiences and define the various possible parameters of film texts. Curling and McLean were concerned with the danger that, if copyright was conceded to the BFI Production Board, film-makers might lose any control over who would see their films or whether their films would even be distributed at all. In his article in this number, Vincent Porter deals with current proposals to bring British copyright law into line with that of the other countries of the EEC at a time when the international flow of information is of increasing economic and political importance. His primary concern is the way the conflation of two legal traditions may give the presently established British copyright holder – where film is concerned – the production company, greater powers, and concomitantly restrict access to films, particularly in the area crucial to members of SEFT, access for education and research. The legal notion of copyright is one of the main articulations of subjectivity in a capitalist-dominated social formation, the cinema and television are others, and they intersect more or less amicably in a variety of ways. The different articles that *Screen* has published on the topic together suggest that no simple position in theory or practice can be taken towards copyright.

Central to Brecht's discussion of copyright was the way it helped maintain individual authorship as a definition of art in a potentially and actually collaborative medium like the cinema. This collaborative character was, for Brecht, not just a property of the medium, its suppression in contemporary cinematic institutions served to

6 cordon off the 'art cinema' thus created from areas of political effectivity. The suppression process is not simply contemporary, however, it can also be retrospective, and two articles in this number deal with such a case. In 1934, Aleksandr Medvedkin directed for Sovkino an agitational film about collectivisation entitled *Styazhateli – Snatchers*. Released in 1935 as *Happiness*, the film was rapidly withdrawn, and although its director's career continued, little more was heard of his name for thirty years. Then, in 1971, the film re-emerged in France promoted and accompanied by a filmed interview with its director. Medvedkin's name was thus inscribed in the film historian's roll of honour. In this number of *Screen*, Stephen Crofts and Masha Enzensberger attempt to disengage some of the terms of this reconstruction, while in an article written shortly before his tragic death, Martin Walsh restores to the film its political dimension, discussing its mobilisation of comedy for revolutionary ends.

Authorship is also at stake in the remaining two articles in this number of *Screen*. Edward Branigan compares two films by isolating the way they handle point of view, both in the sense of the use of point-of-view shots (see his article in *Screen* v 16 n 3, Autumn 1975) and in the wider sense of the working of the relative degrees of knowledge of spectator and character in the unfolding of a film. One pole of his comparison is provided by *8½*, a film directed by the film author *kat' exochen*, Federico Fellini, and the analysis demonstrates how point of view is organised around the central character, Guido, who then functions as a surrogate for Fellini, the artist. The other is a film directed by Oshima Nagisa in 1970, *The Story of a Man Who Left his Will on Film*. Here the point-of-view pattern is undercut, which in turn renders impossible the very notion of a fictional character and thus the coherence of the text and *a fortiori* its author. In his polemic with this article, Paul Willemen argues that it fails to break with a formalism which must restore such coherence and hence, ultimately, the author, since it lacks a theory of discourse, that is, the means whereby to place the text as a process of production of meaning in a historical conjuncture. The extent to which the article is open to this charge is a matter which we hope will be argued by Branigan in a future number of *Screen*. It might perhaps be asked, too, whether Oshima's film can be read productively, without recognising its participation in the regime of Fellini's cinema, the 'art cinema'. The point is not to find a place for Oshima as a progressive art director, or to write this film out of an art-cinema context, but to specify the contradictions within that regime *for us*, and the work of the film in relation to them.

BEN BREWSTER
ELIZABETH COWIE

Subjectivity Under Siege – From Fellini's 8½ to Oshima's
*The Story of a Man Who Left His Will on Film**

Edward Branigan

The two films – one directed by Federico Fellini and one directed by Oshima Nagisa – bear certain similarities. Both portray the making of a film within a film as well as the conflict between the maker of this inner film and a system of production – a studio, and a Marxist collective respectively. Moreover, both contain unreal or fantastic scenes which may be associated with a character and so interpreted as 'subjective' or imaginary. However, these similarities mask a more fundamental divergence. 8½, the Fellini film (1963), despite a startling, even virtuoso mixture of fantasy and reality, remains committed to the assumptions of traditional subjective narration. *The Story of a Man Who Left His Will on Film*, directed by Oshima** (1970), by contrast, challenges these assumptions and poses the concept of the subject in radically new terms: first, by subverting the traditional notion of 'character' – the origin of an imaginary scene – the second, by changing the role of the viewer who must confront new conditions of meaning. I will examine these new conditions of meaning against the background of 8½ and of a traditional narration which, I argue, is based on six elements of

* This article has emerged in part from a seminar in contemporary film theory at the University of Wisconsin, Madison, Spring 1977 and is a chapter in a general study of point of view in the cinema. I wish to thank David Bordwell and Peter Lehman for their suggestions.

** *Tokyo Senso Sengo Hiwa* (*Eiga de Isho o Nokoshite Shinda Otoko no Monogatari*), *Secret History Post-War of the War of Tokyo* (*The Story of a Man Who Left His Will on Film*), released in the USA under the title *He Died After the War*; the film has not been released in Britain. In this article the title is abbreviated to *The Story of a Man Who ...*

- 8 representation. But before I examine the narration, the telling of the story, there is the substantial problem of describing the narrative, what is told.¹

Neither 8½ nor *The Story of a Man Who Left His Will on Film* is easy to summarise, partly because the action of either film resists a breakdown into 'scenes' or even events in the neo-Aristotelian sense of a unity of time, place, and action. However, the reason for this resistance is quite different for each film, as the following attempt at synopses of the narratives suggests. 8½ is the story of Guido Anselmi, a film director whose production is halted by self-doubt and a lack of inspiration. One immense, extravagant set has already been built (a spacecraft launching site) and from every direction there is pressure to get the film under way, since money is at stake. We glimpse portions of this film as well as tentative scenes from a second, quite different film, which Guido envisions. The film traces the tangled skein of Guido's personal relationships, past and present, with his family, friends, and co-workers, in an attempt to discover the source of his creative impotence. We meet his mistress, his wife, her best friend; his mother, father, and grandmother (all dead); his screenwriter, producer, production assistant, star actress; aspiring actresses, agents, publicity men, and others. There is also an examination of his relation to the Roman Catholic Church. This myriad of relationships is rendered in a loose series of dreams, flashbacks, and hallucinations while Guido is – appropriately enough – recovering his health at a spa. What creates confusion for the viewer is the fact that the various time frames – present, past, and hallucinatory – are not clearly distinguished from one another in the usual ways, dissolves for example. Nevertheless I will argue that Fellini's film finds its centre in a single character or, more exactly, the consciousness of a character.

The Story of a Man Who Left His Will on Film is also marked by inconsistent actions and indeterminate space and time. Broadly speaking, the film concerns Motoki and Yasuko, two members of a Marxist film-making co-operative. It opens with Motoki and the viewer apparently witnessing the suicide of Endo, another member of the co-operative, who leaps off a building. The police confiscate Endo's camera and film. Next, however, we see, and Motoki sees, Endo alive and he says that he tripped and fell, spraining his ankle. (Later Motoki asks, 'How's Endo's ankle?') Yasuko relates that the co-operative had been filming a political demonstration when, in the *mêlée*, Endo tripped and the police confiscated his film. The co-operative now plans an elaborate campaign of handbills and

1. The distinction here is between *énonciation* and *énoncé*; see Geoffrey Nowell-Smith, 'A Note on History/Discourse', *Edinburgh '76 Magazine*, p 27.

rallies to recover the demonstration film. At the same time, however, Motoki recovers the film he claims was shot by the dead Endo ('The cops gave it back after concluding it was suicide'). We then see this film, along with Motoki and Yasuko, both of whom at various times refer to the film as Endo's 'last will and testament'. We hear the comments of other members of the co-operative but apparently they are not watching the same film! (When Motoki says, 'We already got it back. We just saw it', the reply is, 'That was Takagi's film'.) The testament film which we see does not concern a political demonstration at all, but rather is a series of outdoor still lifes in the streets of Tokyo (stills 5-8). Thus a number of questions arise: who, if anyone, committed suicide by jumping off a building? What is the status of the testament film? What does it mean? Or as Motoki asks, 'What could he have been trying to say?'

The relationship between Motoki and Yasuko is a complex and contradictory one. According to Motoki, Yasuko and Endo were lovers. Motoki rapes Yasuko in a field. Later in the film Yasuko seduces Motoki in the same field and is instrumental in convincing him that the testament film is real and that the Endo who shot the film really did exist. At times Yasuko acts as if she and Endo were indeed lovers, but not always; for example, in one scene she says, 'Yes, he existed', then 'There is no such person', and then, 'I can't tell you how much I hate him'.

Motoki and Yasuko finally set out together to find the actual locations in Tokyo where the testament film was made on the theory that, as Motoki says, 'If we went there maybe we'd understand'. They discover some of the locations. In the process Motoki pursues, and Yasuko is mugged by, a phantom of some sort who we see only as a shadow, a figure in the distance. Both believe the phantom is the dead film-maker. Motoki discovers that one of the shots in the testament film was made from the balcony of his home. He then undertakes to refilm the testament film but is obstructed by Yasuko. In the end he commits suicide by leaping off a building. However, we apparently also see him alive as a witness to his own suicide – which returns us to the beginning of the film. But not quite.

I will argue that Oshima's film cannot be unified as the subjective vision of Motoki (his premonition of death) or even as a joint vision of Motoki and Yasuko. The contradictions in narrative space² – as I hope the summary above suggests – are permanent and irreconcilable with respect to character as an absolute reference point. Nor is the film working on a version of impersonal tragedy (character is fate, the Greeks used to say). Instead the Oshima film presents two distinct ideologies, side by side, which articulate, in some sense, two different forms of the same character, existing side by

2. See Stephen Heath, 'Narrative Space', *Screen* v 17 n 3, Autumn 1976, pp 68-112.

By ideology³ I mean a possible relation between individual consciousness and its social ground. For present purposes I will take ideology to be a system of images, ideas, values, feelings, and actions by which and through which individuals experience their societies at various times. An ideology is not an image or an idea but a system of representation through which the individual encounters the material conditions of existence. Schematically, there are three terms: consciousness; system of representation (or text); social ground. The individual cannot exist 'outside' of an ideology but must always encounter reality in social – and therefore coded and ideological – terms. This article, however, is concerned with the work of ideology at the level of (represented) images and ideas. When we consider film as a text, the middle term above (system of representation or text) may be subdivided into: character; represented ideology; event. The Oshima text, then, by simultaneously inscribing two different represented ideologies between its characters and their world generates, for the viewer, impossible characters, and impossible events. Again, it is not a question of character schizophrenia (as in Bernhard's *Possessed*, 1947) or amnesia (as in Dmytryk's *Mirage*, 1965), for that returns the narrative to the realm of personality – a privileged source of narration which allows the text to settle its contradictions, however duplicitously, in character.⁴

Alain Robbe-Grillet, in his novel *Les Gommages* (*The Erasers*, 1953, provides an example of an impossible character. *Les Gommages* is the story of a detective who in solving a crime discovers himself to be the author of that crime (when he murders the supposed victim). Here, too, the plot is strangely circular as well as contradictory at every moment (how can a detective track himself?) and so is somehow not amenable to summary⁵ – events never quite 'make a scene'⁶ just as the data never quite coalesce into a 'plausible' character. In *The Story of a Man Who . . .* most of all, contradictory presentations of a character (how can a man witness

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3. See Louis Althusser, 'Ideology and Ideological State Apparatuses' in *Lenin and Philosophy and Other Essays*, New Left Books, London 1971, pp 127-186; the debate between *Cahiers du Cinéma* and *Cinématique* in *Screen* v 12 n 1, Spring 1971; v 12 n 2, Summer 1971; and v 13 n 1, Spring 1972 (reprinted *Screen Reader* n 1, 1977); Terry Eagleton, *Marxism and Literary Criticism*, Methuen 1976 (University of California Press, Los Angeles 1976 pp viii, 16-19); Philip Rosen, 'Screen and the Marxist Project in Film Criticism', *Quarterly Review of Film Studies* v 2 n 3, August 1977, pp 273-287.
 4. Kristin Thompson, 'The Duplicious Text: An Analysis of *Stage Fright*', *Film Reader* 2, 1977, pp 52-64.
 5. Stephen Heath, *The Nouveau Roman*, Elek 1971 (Philadelphia 1972, p 30); see also chapter 3 on 'Alain Robbe-Grillet'.
 6. Cf the discussion of the work of Jean-Marie Straub and Danièle Huillet in Heath, 'Narrative Space', op cit, p 101.

his own suicide?) are not confronted on the grounds of psychology or character, but on the ground of ideology – that practice which orders the significance of the world and places the individual as significant in the world. 11

I will now examine in detail the narration of *The Story of a Man Who Left His Will on Film* and its effect on subjective narration. (Although I will concentrate on the presentation of Motoki, I hope to suggest that Yasuko also is bound in a process of contradiction. A more complete analysis of Yasuko's position would reveal the ideology which locates women in society.) I will define narration in the visual arts as a positioning of the viewer with respect to a production of space, and subjectivity as a production of space attributed to a character. Production, for the classic text, in turn will be defined in terms of six elements of representation: origin, vision, time, frame, object, and mind.⁷ Subjectivity (in my sense) exists, then, when these six elements are all referred to character. At that point, character provides the unit of the representation, and the telling or representing is called subjective narration. I will consider each of these elements of representation in the light of the problems posed by *The Story of a Man Who . . .* with examples from 8½. I will not specifically consider *object*, ie *what* is represented as the object of vision.⁸

I Origin: The Problem of Authorship

The *origin* is that beginning point or source of space from which the representation derives. 8½, after some hesitation, moves quickly and decisively to fix its origin. The film opens with Guido (Marcello Mastroianni) in his car caught in a traffic jam. Soon, however, incredible things begin to happen. We see a bus crowded with

7. Cf Roland Barthes, 'Diderot, Brecht, Eisenstein', *Screen* v 15 n 2, Summer 1974, p 33. These general elements become, respectively, in the specific case of the point-of-view shot: Point, Glance, Transition, From Point, Object, and the Presence or existence of character. See Edward Branigan: 'Formal Permutations of the Point-of-View Shot', *Screen* v 16 n 3, Autumn 1975, pp 55, 64.

8. Such an analysis would have to place historically the various factions of the radical student left in Japan (see Gavan McCormack, 'The Student Left in Japan', *New Left Review* n 65, Jan-Feb 1971, pp 37-53), the significance of Okinawa Day, April 28, 1970 (during which the film takes place), the fact that Oshima is named in the film along with other supposed 'intellectuals', and perhaps the Japanese custom of ancestor worship with its spirits of the dead (prominent in, for example, Mizoguchi's *Ugetsu Monogatari*, 1953).

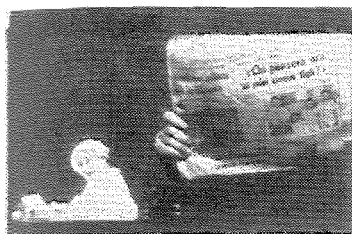
12 apparently lifeless people, their heads hidden but their arms hanging in rows from the windows. Guido wipes his windshield from the inside although it is perfectly clear, suggesting a paradox involving *vision* of the sort 'through a glass darkly'. Mysterious, suffocating fumes fill Guido's car. He escapes by climbing out of a window and then begins to fly above the traffic and into the clouds. The scene culminates with a deranged man on the ground who is holding a rope tied to the flying Guido. Twice we see Guido's point-of-view down the rope to the ground (still 1). He unties the rope and plunges earthward. What are we to make of these impossible events? A screaming sound which is that of the falling Guido (apparently no longer able to fly) is continued by the awakening scream of a second Guido in bed. How can there be two different Guidos – the existence of the first and most fantastic one, moreover, 'guaranteed' by a point-of-view (POV) shot? The answer: It has been a dream. A doctor and a nurse enter the room. It has been the dream of a sick man. 'How are you feeling?' the doctor asks. The viewer, of course, is now in an excellent position to answer that question. Guido becomes fixed as the centre of space so that spatial contradictions will be resolved only *in him*. He is fixed not merely by the fact that he is the centre of attention (of the doctor and nurse) but by the fact that he becomes the (nominal) producer of space for the viewer. The first shot is taken from just behind his head and ends with a dolly forward, literally assuming the position of his head. The first shot also pans left, then back right exactly following Guido's attention. Even more importantly, when the camera returns to the right, both Guido and the viewer are surprised by a second doctor at his bedside who must have entered and crossed the long bedroom while the camera was panning in the other direction. This forcefully illustrates that the *time* of the text has become, precisely, the time of Guido's vision.

The second shot in the scene is a diabolic trap. The nurse is in the distance looking toward both the camera and a man in the foreground who is holding up a newspaper (still 2). She addresses Guido, who we assume is the man reading the newspaper. The man drops the newspaper and it is not Guido at all, but one of the doctors, who then stares toward camera (still 3). We then realise that the nurse was speaking to the camera all along, not to the man with the newspaper. These two stares toward camera jolt the viewer from a supposed position outside of the action suddenly back to Guido; that is to say, our vision is precipitously narrowed and fixed to a point; our sight line, from which there is no escape, is that of Guido.

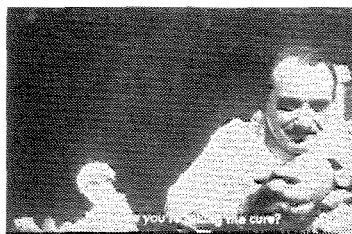
Of the thirteen shots in the bedroom scene, all but the last are taken from camera positions very near Guido. Camera movement, too, emphasises Guido: when the doctor holds up a picture to Guido, the camera tracks around and forward so that it is held up directly into camera. The last shot of the scene is the establishing



1



2



3

shot – an extreme long shot from the far end of the room away from all the characters (Guido's scriptwriter is now also in the room). But even here the camera will slowly track back as Guido walks toward camera – holding him, and no one else, centred in the space, reminding us that, even in extreme long shot, Guido is the centre of our space.

The Story of a Man Who . . ., like *8½*, opens with an apparently impossible scene utilising as its core a point-of-view construction. But *8½*, in order to resolve the impossible scene, will continually struggle to contain the flying Guido we first see (broadly, the unreal) inside another Guido (the real) whom we see in the second scene. By contrast, *The Story of a Man Who . . .* will strive to break apart the Motoki we first see into two Motokis, who cannot be united, in order to understand the impossibility of the opening scene. To put it another way: the conditions of the impossible for Fellini are psychological (dream work), but for Oshima they are, as I will seek to show, rooted in the social construction of the individual.

The Story of a Man Who . . . opens as the POV of someone looking through the view-finder of a hand-held camera. The image leaps about as the unseen cameraman is challenged by Motoki, who soon runs into view and then charges at the camera in an attempt to take possession of it (still 4). He argues that the camera should have been returned earlier in the morning because the co-operative has something important to film. At one point the exposure of the image fluctuates and goes entirely to white as Motoki yells, 'Don't touch that! You don't even know how to use it!' The camera-



4

man begins to run away and the image moves wildly about. Fingers cover the lens and the image goes black. The next shots are non-POV shots of Motoki as he gives chase and, then finally, he and the viewer apparently see a person jump off a building. As indicated in the earlier synopsis of the narrative, questions are soon raised as to the identity of the cameraman and the actuality of the suicide. These are questions of special immediacy to the viewer since the viewer already has an investment in the space of narration due to the incomplete POV shot. The opening shot seemingly guarantees the existence – the presence – of a cameraman. Who is the person who controlled the exposure of the image and hence controlled the very existence of the image for the viewer? What is the relation between image and image-maker?

One way this relation may be posed is through the notion of an author – the Artist, the creative wellspring – of a text. The text, in reciprocal fashion, is posed as the *output* and outpouring of a unique consciousness. It is in these terms that Motoki undertakes the search for the author of the testament film. The search begins with the opening shot of the film in which Motoki chases the film-maker, of whom all we see is the film-maker's POV. (Note that the concept of POV, as usually given in criticism, *already* implies possession; that is, it is a special view belonging to a person.) The film-maker, however, turns out to be not exactly dead (Endo is alive), nor is he exactly alive (Endo knows nothing of the testament film). Perhaps, then, the film-maker is a phantom, somehow between life and death. Early in the search Motoki chases a phantom (whom we do not see) through alleys and streets but he apparently escapes by getting into a taxi. Later Motoki and Yasuko both pursue the phantom film-maker without success.

Failing in his attempt to confront and interrogate the author, Motoki seeks to understand the author's motives, beliefs, and intentions. 'But what was he thinking when he shot this?' 'What could he have been trying to say?' Since Motoki believes Yasuko was the film-maker's (Endo's) lover, he confronts her for some hint of the film-maker's intention. 'When he decided to shoot this film and commit suicide, didn't he say anything?' 'Try to remember why he filmed this place.' However, Motoki's search for the film-maker's intention proves as unsuccessful as the search for the film-maker

In the course of the film several possible authors are suggested: the Endo we see dead on the sidewalk in the opening scene, the Endo who is a living member of the co-operative, and Tagaki whose film the co-operative sees as we see the alleged testament film. It is even suggested that there is *no* author. When Motoki discovers two or three feet of new footage by the phantom film-maker while splicing and editing another film, he is told that the footage is only 'waste film' taken while reloading the camera. Motoki is unconvinced. Why shoot *so much* reloading the camera? Still another possibility is opened up when Motoki finds that the first shot of the testament film (still 5) was taken from his home. The fact that the shot is the first shot in the testament film only serves to strengthen Motoki's conviction because for him an opening shot is the *origin* of a film. The logic continues: the view out the window of his home *belongs to* he who lives in the home and hence the film must originate in Motoki. The scene concludes with the testament shot given as a POV shot of Motoki staring out from the balcony of his home. (Motoki does not consider here, as we shall see, the possibility of a wider perspective of authorship, such as, a film not by a family member but a film produced through an ideology, revealing the function of family life in society.) Could it be then that Motoki himself is *already* the film-maker and that his problem is to understand the film he's already made?

Motoki sees only one remaining alternative: to reshoot the testament film himself – in the same locations and in exactly the same way – and thereby *become* the film-maker. This must lead him inexorably to the conclusion of the earlier testament film – suicide. But there is more to the suicide than the formal ending of a film and film author. Motoki's suicide is tied to the failure of a certain conception of authorship and the failure of those films resulting from that conception of authorship. Making a film is not a neutral act but is a commitment which ties one to an ideology which survives in the film. Consider the following criticism by Yasuko when Motoki announces that he plans to re-shoot the testament film:

YASUKO. What are you going to shoot?

MOTOKI. You know as well as I do.

YASUKO. Say it. Can't you say it?

MOTOKI. The same landscapes he shot.

YASUKO. The same way he did?

MOTOKI. Yes. Why?

YASUKO. Is that the way to beat him? Can you kill him that way?

MOTOKI. If I take the same landscapes the same way he did, he'll disappear. That way I'll be him.

YASUKO. Really? If you become him, he'll survive in you.

- 16 Films, too, are caught in history (time) and certain types of films can no longer be made. I will say more about these sorts of films later; for now it is enough to emphasise that the notion of an author blocks film-making practices based on other relations between film apparatus and film – machine and text.

It would be wrong to suppose that *The Story of a Man Who . . .* is simply about a dated conception of authorship; more exactly, it explores a nexus of ideas – an ideology – of which authorship is only a part, a point of departure. The belief that a text belongs to an author, for example, raises the general problem of ownership. When Motoki explains to the co-operative that it is necessary to recover 'my camera' from the police, he is criticised for clinging to 'the idea of personal property'. Later when Motoki asks to borrow the camera and will not explain what he plans to film, his project is criticised as 'too personal'. When he is splicing film he is accused of handling it as if he were 'making love to it'; that is, of treating the film apparatus as a fetish object with intrinsic, almost magical properties outside of culture and history. The fetishistic attitude is revealed also when Motoki speaks of a documentary film he liked in terms of its 'fantastic' camerawork⁹ which made history 'seem gentle, personal'. The notion of a unique author thus slides into problems of ownership and appropriation which obscure the awareness of social forces. This is perhaps best summed up when the co-operative laments the fact that, in order to gain wide support in the battle to recover their film from the police, they must appeal to the idea of 'freedom of expression'. For Marxists what is behind the principle of 'freedom of expression' is the false notion that individuals are autonomous and equal, the authors of free thoughts, and not subjects in ideology (and unequal).

The film also crucially concerns the role of woman and a certain view of this role is tied to the issue of personal authorship. Within this view man is portrayed as the author of woman who exists to *become* the personal property of man. If Motoki is in some sense already the author of the testament film, he is also already the lover of Yasuko. To understand how the film links the issue of authorship with a view of the woman, we must examine the complex relationship between Motoki and Yasuko; indeed, one scene ends with them simultaneously making love and strangling each other. The interaction or tension between these two characters serves to drive the narrative forward. I have taken seven points in the narrative as examples of this interaction in terms of the question whether or

9. Cf Christopher Williams, 'Ideas About Film Technology and the History of the Cinema, with reference to Jean-Louis Comolli's texts on technology (*Cahiers du Cinéma*)'; Comolli, 'Technique and Ideology', to be published Summer 1978, British Film Institute.

- 1 Motoki: yes, literally (he committed suicide)
Yasuko: no, literally (he filmed a demonstration)
- 2 both yes (they see the testament film and Yasuko has it in her possession)
- 3 Motoki: no (unsuccessful and frustrated in his chase of the phantom, he returns the film to Yasuko)
Yasuko: yes (ridicules Motoki for not believing; experiences the pleasure of the testament film projected on her body, as a substitute for the absent author/lover; later taunts Motoki again for not believing)
- 4 Motoki: yes (he takes the testament film from Yasuko)
Yasuko: yes (she gives the testament film to Motoki; but says she now despises the film-maker)
- 5 Motoki: yes (now convinced by discovering his home was used in the testament film)
Yasuko: yes (now convinced by being mugged by the phantom)
- 6 Motoki: yes (he will *become* Endo by reshooting the film)
Yasuko: yes (but it is a bad practice to become the dead film-maker)
- 7 Motoki: yes (becomes the film-maker and commits suicide)
Yasuko: no (she does not see Endo in the landscapes and avoids suicide)

The opposition of Motoki and Yasuko coupled with the different shadings of that opposition illustrated above serves to drive the narrative forward. It is significant that the one combination which never occurs in the narrative is that in which simultaneously neither Motoki nor Yasuko believe in the testament film. If that were to occur, the narrative would end.

How, then, is the search for the author of the testament film linked to the role of woman? Yasuko is raped by Motoki early in the narrative, yet she comes to believe in the testament film and its author as her lover. She forces Motoki too, into believing in the testament film. She seduces Motoki in the same field where he raped her (both scenes open with the identical camera movement) thus acknowledging her acceptance/complicity as an object of desire/property. ('Make me your girl', Yasuko says.) She embarks with Motoki on a search for the author/lover but suffers greatly in the landscapes of the testament film (mugged twice by a phantom; raped by four strangers). At the end she rejects belief in such an author/lover and avoids being in his film – subject to his film – thereby escaping suicide. She can no longer be the spectator for

18 whom the testament film is made.

By way of summary we might say that the film challenges the concept of an origin, whether stated in terms of the author as an originating moment of discourse¹⁰ or in related ways involving ownership, property, privacy, fixation, or the possession of women. In some sense *The Story of a Man Who Left His Will on Film* is about the very impossibility of its title: What does it mean to say that a man creates a film and leaves his will or intention stamped on it as a monument? In what way can such a film no longer be made? Let us shift from the former question and move to the latter.*

II Vision: The Status of the Image

Motoki chases not only the phantom film-maker in the opening scene but also, after the police have seized the dead film-maker's camera, he chases the police car carrying away the camera. Motoki chases first the author, then the film itself. The film considered separately as an artefact raises the problem of the image: what is the relation of image space to truth? How can a spectator argue with an image?

These questions lead to a second element of representation – vision. Vision is a force – the activating instance or cause which brings representation into being from the first element, an origin. When vision is considered with respect to character, it is often symbolised by the eyes which have the power to generate images and space by glance, look, sight, and gaze. These sorts of glances produce various structures of subjective narration: the POV shot, the ‘out-of-focus’ shot (where, for example, a character is drunk, dizzy, or drugged), dream sequences, flashbacks, and several others.

There are a number of important problems connected with vision which I do not wish to consider: the status of visual processing as a perceptual code,¹¹ the status of pictorial space as a symbolic

* This interpretation remains valid despite the fact that the word in the title translated as ‘will’ – *isho* – means ‘posthumous writing’ and therefore does not quite have the intentional force of the English term.

10. Cf Heath, *The Nouveau Roman*, op cit, p 24. See Heath, ‘Orders of Discourse’, *Atlantis* n 4, September 1972, p 67; and Michel Foucault, ‘What is an Author?’, *Partisan Review* v XLII n 4, 1975, pp 603-614.

11. E H Gombrich, *Art and Illusion*, Phaidon 1962 (Princeton, N J 1969); John Kennedy, *A Psychology of Picture Perception*, London 1974 (bibliography).

system,¹² and the much-discussed 'ideology of the visible'¹³ stemming from Renaissance perspective. Instead I wish to consider the relation of subjective and non-subjective space in a textual system and how this relation may be used to settle or unsettle the truth of the text.

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Both the Fellini and Oshima films question, to a degree, the images they present. The opening of *8½* soon leads to impossible space (a man flies) which is subsequently contained as a dream (a man wakes). But not all the subjective space of *8½* bears such a simple relation to non-subjective space. It is often unclear whether or not a change in vision occurs, what sort of subjective vision ensues, when the vision begins and ends, and how its content inter-relates with other narrations. For example, the second scene of *8½* ends with Guido walking from his bedroom into the bathroom. The light in the bathroom begins inexplicably to flash and becomes extremely bright; a loud and stirring rendition of Wagner's 'Ride of the Valkyries' begins with no apparent source; and Guido looks into a mirror. We next see an over-exposed shot (matching the light in the bathroom) of people strolling about a garden. The music carries over and the camera glides around the faces, some of whom acknowledge the camera as if it were a person. Is Guido's glance into the mirror something more, say a gaze into himself? What sort of subjective vision this may be is complicated by the fact that when Guido appears in the scene he clearly has a wish-fulfilment fantasy within the vision (a beautiful woman is substituted for a shrill nurse) – which later in the scene turns out to be part of his, as yet unrealised, film – and, further, we never return to the start of the vision (the bathroom).

The fact that the subjective sequences are unmarked or marked in novel, oblique, ambiguous, or retrospective ways (here one also thinks of the films of Buñuel and Bergman) raises in the viewer a profound hesitancy or uncertainty about the image. For instance, delaying the establishing shot until the very end of the second scene (the bedroom) in some measure *continues* the disorientating space of the opening dream sequence. In other scenes the establishing shot is simply omitted, adding to the confusion of space. Frequently, impossible or contradictory elements seem inextricably bound to the *mise-en-scène*. For example, later in the garden scene mentioned above, Guido meets and talks with his scriptwriter about present problems and we seem finally to be anchored in the present (1962) and yet the people milling about in the background

12. Nelson Goodman, *Languages of Art*, 2nd ed, Indianapolis 1976, esp chap I and VI; Umberto Eco, *A Theory of Semiotics*, Bloomington, Indiana 1976, esp pp 172-174, 189-217.

13. Comolli, *op cit*, p 1.6; Kari Hanet, 'Does the Camera Lie? Notes on *Hiroshima Mon Amour*', *Screen* v 14 n 3, Autumn 1973, pp 59-66. Cf also Heath, *The Nouveau Roman*, *op cit*, pp 96-110.

- 20 are dressed in exaggeratedly 1930s clothes.¹⁴ The general result is that 'reality' is, in part, unknowable – not completely specified – except as a blend of subjective and non-subjective narrations.

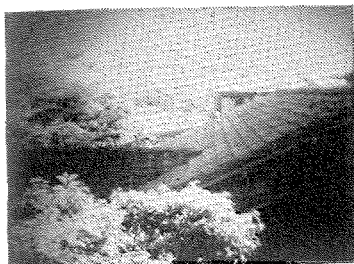
The play between the narrations opens a certain plurality of meaning in the film. For example, in the scene in which the screen tests for Guido's movie are screened for him, his wife, and various co-workers, we see actresses playing the roles of Guido's wife and other women from his life; we hear dialogue and variations on dialogue which we have already heard in other contexts; and comments from the audience as well as from Guido interact with the screen-test film and Guido's voice on that film. It is important, however, not to overstate the plurality achieved in 8½. The viewer never stops trying to make sense, and the text never stops making sense with respect to a 'reality'. We know, for instance, that Guido is having trouble with his wife, that he has a mistress, that he is attempting to make a film, and so forth. The origin of the unreal is always located in Guido and referenced to a privileged, non-subjective level of narration which is, exactly, *reality* for the text.¹⁵ The fact that such a level exists is what allows us to understand one character's reaction upon viewing the screen tests for Guido's movie: 'It's all from real life!'

The Story of a Man Who . . ., like 8½, raises certain questions about its images; specifically, the images in the testament film. That inner film contains seven shots of still lifes: roof-tops and foliage stirring in the breeze; a side street crowded with pedestrians; car wheels passing on a thoroughfare; a letter box near an underpass (stills 5-8); railroad tracks near a small shop (overexposed); and television aerials on rooftops. The final shot of the testament film is an attempt to film a busy street, but is interrupted by Motoki demanding the return of the camera (still 4). The final shot when we see it in the testament film is an exact repetition of the opening shot of the film.

Questions about the images of the testament film begin immediately. When Motoki challenges the cameraman he demands to know, 'What are you filming? There's nobody here'. Later when the testament film is screened it seems unintelligible. 'Hard as you look, though, there doesn't seem to be anything there,' says Yasuko. It is suggested that maybe the point of the testament film is to link

14. Deena Boyer, *The Two Hundred Days of 8½*, New York 1964, pp 53, 57-59.

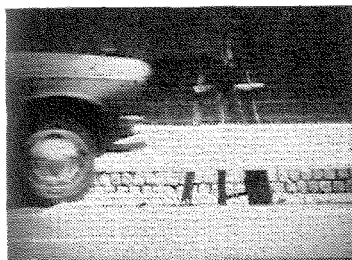
15. I define the real in film not with respect to everyday space, but as one level of non-subjective narration, specified by the film, which orders all the other levels. To speak of an entire film as 'realistic', however, is a separate issue involving the relation of the film to other films and to the other (dominant) systems of representation in a culture. Realism in that sense is the probable, the familiar, given by the culture; see Goodman, *op cit*, pp 34-39.



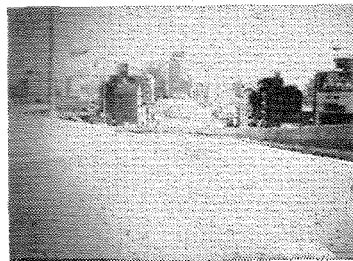
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meaningless shots and create meaning by paradox. But still, no one can suggest a meaning. In this connection it is worth recalling a statement by Guido's script-writer in 8½ concerning Guido's proposed movie: 'The film is merely a series of completely senseless episodes. Oh, their ambiguous realism is, perhaps, quite amusing . . . (pause) . . . but what is the writer's real intention?' Guido's producer better understands Guido's film (and Fellini's film) when he remarks, 'I understand what you want the film to say. You want to show the confusion that man has inside himself.' Meaning exists only with respect to an interest and for both Guido's writer and producer that interest is the intention of the author and, ultimately, the inner life of the author. Motoki, too, can be said to pursue the author in these terms. The Oshima film, however, criticises such a formulation of interest and proposes that meaning exists only with respect to a social interest. What is crucial for Oshima is the politics of the image.

David Bordwell has rightly argued that Bertolt Brecht's concept of a 'social gest' illuminates the working of *The Story of a Man Who*. . . .¹⁶ Brecht distinguishes the socially significant gest from an illustrative or expressive gest:

'The attitude of chasing away a fly is not yet a social gest, though the attitude of chasing away a dog may be one, for instance if it

16. In a seminar in film theory, 'Film as Representational System', at the University of Wisconsin, Madison, Fall 1976.

22 comes to represent a badly dressed man's continual battle against watchdogs. One's efforts to keep one's balance on a slippery surface result in a social gest as soon as falling down would mean "losing face"; in other words, losing one's market value. The gest of working is definitely a social gest, because all human activity directed towards the mastery of nature is a social undertaking, an undertaking between men. On the other hand a gest of pain, as long as it is kept so abstract and generalised that it does not rise above a purely animal category, is not yet a social one. But this is precisely the common tendency of art: to remove the social element in any gest. . . . The man then becomes just Man; his gest is stripped of any social individuality; it is an empty one, not representing any undertaking or operation among men by this particular man . . . the social gest is the gest relevant to society, the gest that allows conclusions to be drawn about the social circumstances.¹⁷

Let's return to the apparently meaningless still-lives of the testament film which two critics have called *avant-garde*,¹⁸ although these empty spaces are also strikingly similar to many transitions in the films of Ozu Yasujiro. What is the disposition of the testament film in the larger structure of the text? I believe that the testament film, in the end, is censured because it blocks a social gest and elides ideological context. When we return to the landscapes of the testament film to watch Motoki refilm them we see considerably more than was evident in the testament film; we see what is absent in the testament.

Motoki first attempts to refilm the letter box near an underpass (still 8) but Yasuko appears, stands in front of the box, and refuses Motoki's demands to get out of the picture. She continues her stubborn refusal to move even when a mailman arrives to gather letters from the box. A policeman is called and the three of them grapple in front of the mailbox. Motoki does not film the struggle in front of the mailbox.

Motoki next attempts to reshoot the railroad tracks near a small shop. Again Yasuko obstructs the shooting by standing at the shop talking endlessly on the telephone. She refuses Motoki's entreaties to move out of the way. Her talk is apparently meaningless. But perhaps it reveals something more.

'Fine. Yes fine. Yes fine. Yes. Fine. Say it again. Yes fine. Yes. Sure fine. It's all right with me. Yes fine. What? Yes it's fine with me.'

17. Bertolt Brecht, 'On Gestic Music', in *Brecht on Theatre*, ed John Willett, New York 1964, pp 104-105; *ibid*, 'On the Use of Music in an Epic Theatre', p 86. Note that for Brecht 'aesthetics' is precisely that study which divorces signifying practices from historical context; see, *ibid*, 'Shouldn't We Abolish Aesthetics?', pp 20-22.

18. Maureen Turim and John Mowitt, 'Thirty Seconds Over . . . Oshima's *The War of Tokyo* or *The Young Man Who Left His Will on Film*', *Wide Angle* v 1 n 4, 1977, pp 34-43.

Yasuko mimics Motoki's project with that sort of rhetoric which elides social context – which asserts 'I'm OK – You're OK' or that this is 'the best of all possible worlds'. A well-dressed man, perhaps a young executive, approaches Yasuko, tells her the phone line is dead. She ignores him and continues talking, 'Yes, of course. Yes, fine'. The man repeats that the line is dead and in a rage he strikes Yasuko. We see blood run from her mouth. Again this violence and the class relations implicated in the violence are not filmed by Motoki.

Finally, Motoki attempts to refilm car wheels passing on a thoroughfare (still 9). The very framing of the proposed shot suggests some of the difficulties of the testament film. While showing part of a car produces perhaps an interesting study of motion, direction, and graphics, it obscures consideration of the whole car, what it means to travel the urban landscape (to work), and the people who travel (trapped) in cars. Similarly, when we see a postal box, we do not see a postal *system*; when we see rooftops in the testament film we do not see homes and families. Yasuko again obstructs the shot and refuses to leave even when Motoki throws paint at her. She attempts to further obstruct the filming by walking into the street disrupting traffic. There is almost an accident. A passenger from one car strikes her and then four men kidnap and rape her in the car. None of this, apparently, is filmed by Motoki. In fact when Yasuko is kidnapped he *chooses* to leave the camera by running to a store and handing it to someone. 'Keep this for me, will you?' The final blindness of the testament film.

After the rape, Yasuko and Motoki confront one another on a hill and she is able to say, 'I won. I won. I beat you, and I beat him. . . . Because I didn't see anything. I didn't see his landscape.' The landscape lived by Yasuko was not the empty one of Motoki and the author of the testament film but one charged with social content. Motoki apparently agrees but he is still wrong:

'There is no such thing as his landscape. All landscapes are the same. He's in every landscape and he's missing from every landscape, too.'

Motoki abolishes a personal author but substitutes a transcendental one.

In summary, one can say that the problem of the image – its excess – is formulated in the film not in terms of verifying the existence of real space – an actual location – or having the right intention, but in terms of the social relations the image reveals and the social purpose it serves. Right intentions are not enough, for that merely returns to the idea of origin and author. (One member of the collective derides those who 'believe that proletarian consciousness can produce proletarian films'. The film makes explicit Brecht's critical tool, the social gest. What is at stake in the image is not its relation to an author's vision but to a specific social system. To

- 24 paraphrase Brecht by substituting 'images' for remarks he made concerning the 'representation of sentences', what is crucial are such questions as the following:

- ' 1 Who is the image of use to?
- 2 Who does it claim to be of use to?
- 3 What does it call for?
- 4 What practical action corresponds to it?
- 5 What sort of images result from it? What sort of images support it?
- 6 In what situation is it shown? By whom? '19

The utility of the image is measured by the interests it serves, and the thrust of the film is to reveal these interests with respect to the testament film. Motoki is and becomes the spectator created by the testament film. As Motoki comes to understand the testament film, he is forced to live it through as the subject of its ideology. Yasuko alone refuses the role prescribed for her by the testament film.

III Time: Narration and the Narrator

I now consider another general element of representation and its applicability to the *The Story of a Man Who . . .* and 8½. Time is a process which links the elements of representation into a whole – a continuity – or specifies where the units are not whole – a discontinuity. Narrative depends on a logic of time²⁰ so that when time is destroyed (as in the novels of the *nouveau roman*) narrative becomes attenuated, 'scenes' disappear, and the text becomes difficult to summarise. More exactly, as narrative fades, the time of the telling becomes more evident; what is told comes closer to being simply *the telling by a subject* or narrator. The narrator, of course, may be a specific character (as in subjective narration) or may take any of innumerable other, less 'obtrusive' forms. A common example which discloses the operation of a time of narration is the situation where a character exists in one shot and we cut to, say, a black screen. After a moment a small rectangle of light appears, the lights are switched on, and the character enters what we now see to be a new room (as in *Que la bête meure*, Chabrol, 1969). The point here is that the camera is ahead of the action; it is already waiting in a darkened room for the arrival of the character. In such a case, the narration is non-subjective and omniscient.²¹ The time

19. Brecht, op cit, p 106.

20. Cf Stephen Heath, 'Film and System: Terms of Analysis', Part I in *Screen* v 16 n 1, Spring 1975, pp 48-49.

21. The camera, of course, may equally be *behind* the action, that is, not omniscient, as in *Vampyr* (Dreyer, 1932), or bear more complicated relations with the action, such as, the end of *L'Eclisse* (*The Eclipse*, Antonioni, 1962) when the camera appears but the characters never show up.

of narration exists over and above the time of the narrative which, in the above example, is simply the 'continuous present'. In the example, the spectator is suddenly forced to refine his or her relation to the production of image space which has been marked by a disjunction between the time of narration and the time of narrative.

When narrative time becomes difficult there is a special danger in summarising the text, for by summarising the critic may reduce or pacify, or ignore the dynamic of the telling, or substitute a new set of expectations for the old. On the other hand, to avoid writing about the work or to mimic the work for fear of trivialising it ('halting the endless play of its systems') is to give in to a terrorism of the text²² or to hope for the eternally open work – the work which escapes history and social production. The functioning of a text must be located with respect to another practice or set of expectations/beliefs in a specific time and social circumstance. The critic's task is to promote understanding by setting a text in and against specific systems of meaning; that is, to explore alternatives. For *8½* and *The Story of a Man Who . . .* the comparison system is what I have defined as traditional narration.

8½ displays a multiplicity of time frames: dreams, flashbacks, hallucinations, dialogues with the dead, and so forth. What is already implicit in giving these names to time is the assertion that the film reinvests, so far as possible, its time of narration in the time of the narrative – in a character in the narrative. For example, we see a medium close-up of Guido. The fact that his scriptwriter is speaking to him from off-camera already emphasises *Guido's* perception (hearing, thinking). The next three shots depict the arrival of two men who put a rope around the scriptwriter's neck and hang him. The next shot is a repetition of the medium close-up of Guido from the same camera set-up and returns us to a previous gesture by Guido which we now interpret as *interrupted* by a fantasy. The play of the narration is justified or 'motivated' as the insertion of character time. The repetition of a camera set-up functions as the key index of the inserted time. The narration is ironic since the scriptwriter, who had been warning Guido about 'illusions', promptly becomes a victim of illusion. Familiar markers like dis-solves are not employed, and this promotes a certain ambiguity about time as it did for vision. When Guido muses, 'What am I going to say to the Cardinal tomorrow?' and that is followed by a visit to the Cardinal, the viewer hesitates: is this a dream or is it 'tomorrow'? Again it functions as irony since lying on the bed with Guido is his mistress of whom the Cardinal, no doubt, would disapprove.

In contrast the time of narration of the *Oshima* film is not re-invested in narrative as either internal (character) time nor external

22. Richard Howard, 'A Note on *S/Z*', preface to Roland Barthes' *S/Z*, Jonathan Cape 1974 (New York 1974, p ix).

26 (eternal) time, but rather can be understood only in terms of a represented, social moment, an ideological clash. Let us consider a few examples. The apparent suicide of Endo occurs during the day while the political demonstration at which Endo is supposed to have tripped and sprained his ankle occurs at night. The discrepancy between these two times is essential to the text because it means that time is irreconcilable. It is not possible to postulate an underlying, consistent time base (a real time, a coherence) where at a specific point *either* Endo committed suicide *or* he tripped and fell. In such a time scheme it would be the problem of the text to answer the ambiguity, perhaps, in an ironic way (eg, an hallucination by Motoki, a staged suicide, the appearance of someone's identical twin, etc). But in the text, time itself becomes a problem which then prohibits those figures of rhetoric, such as ambiguity and irony, which depend on the existence of clearly defined alternatives (ambiguity reveals the alternatives by a hesitation to choose and irony by a simple reversal of the expected). Time becomes further complicated when we recall that Motoki chased the police car after the suicide and he is also supposed to have chased the police after Endo tripped and lost the camera at the demonstration. Motoki cannot exist in contradictory time (where Endo commits suicide one day and sprains his ankle that same night) unless we also dispense with the assumption that character must be unified and autonomous in space and time – the ultimate subject of ambiguity and irony.

When Motoki chases the phantom film-maker there is a shot in which he stops and looks followed by a shot of Motoki again running after the phantom. Ordinarily these shots would be read as successive time, but suppose they were read as simultaneous time, that is, as an eyeline match where Motoki *sees himself*? There is also a classic POV shot where Motoki chases the phantom, stops, looks down a street near a waterway. We then cut to a view of that street from Motoki's point in space; after a moment Motoki steps in front of the camera and resumes the chase. Ordinarily the POV structure demands continuous time, but what if the time is simultaneous (or even reverse time) where Motoki is seen to chase only himself, a second Motoki?

The contradiction in time is made explicit at the end of the film when we see Motoki with the camera and then see his POV through the camera. He begins to run and since the camera is hand-held we see the image move wildly about. But an extraordinary event occurs. Through the camera we see Motoki run out – impossibly – in front of the camera and run away. Thus the film moves to split a character apart in contradictory ways and to refind the relation camera-cameraman elsewhere in terms of ideology. Yasuko, too, I believe is split apart – defined at once in a Marxist collective and as an object of property in a bourgeois system. Even the flashback attributed to her ('Let me go over everything that happened today')

in which she patiently explains to Motoki that Endo is alive and which she continuously narrates is not free of contradiction. It begins with Yasuko leaning against a solid wooden fence, but ends with her in an entirely new locale, leaning against a wire mesh fence. She asks Motoki 'Do you remember now?', though soon she herself will not remember. (Later she will argue to the members of the co-operative that Endo is dead.) The conclusion would seem to be that in this film, as opposed to 8½, time reveals not the psychology of a character – mad, foolish, witty, poetic, confused – but the inadequacy of the concept of character.²³

27

IV Frame: The Relation of Spectator and Spectacle

Frame is perhaps the most complicated of the elements of representation because it directly involves the relation of narrator and reader and this relation must always remain at least partially obscured by the text: to frame a narrator is still not to frame the framing of that narrator; to show a spectator watching (reacting to) the story is still not to show that spectator who watches the spectator in the story. Although *Tout va bien* (Godard, 1972) opens with the complex gesture of showing cheques being signed for the production costs of *Tout va bien*, there is still a level at which the signing of the cheques itself is a scene, and the representing or framing of that scene is not shown. The question, therefore, is not whether, but how representation will be severed from its context of production.

In traditional representation, the frame is that perceptual limit or boundary which divides what is represented from what is not represented with respect to (from) an origin. Narration is a product of both a narrator and a reader; just as the text must create (inscribe) its reader, so a reader must create the text and its telling. We may sketch some general classes of production by a narrator and reader, along with a brief explanation of the classes, as follows. The origin of narration from a narrator may be located in no point (omniscient) or in a single point (subjective); similarly, the destination of narration to a reader may be located in no point (voyeuristic) or in a single point (personal). (There are other possibilities which cannot be explored here, such as an origin or destination of two or more points.)

More specifically, the *omniscient* or third person narrator is that level of narration which is assigned no origin by the text; what has no origin is the omniscient, and that is precisely its authority: it is

23. See the issue of *New Literary History* v V n 2, Winter 1974, devoted to 'Changing Views of Character'.

28 anything and everything. It is, seemingly, only the 'world'. Ascribing the narration to 'God' still does not provide an origin but only names our inability to name an origin. The *subjective* or first person narrator is that level of narration attributed to a particular origin within the narrative diegesis (character) or outside the narrative diegesis (eg, voice-over narrator). The *voyeuristic* reader is the unseen and unacknowledged spectator for whom an address is, apparently, unaddressed (to no one); that is, the text does not acknowledge its viewer. The *personal* is a direct second person address, for example, in a non-diegetic level of narration, the actor stares at the camera and points a gun into the camera (*The Great Train Robbery*, Porter, 1903); in diegetic narration, the personal is a character who receives (listens, watches) the story; for example, the bystander in a scene often exists only for his or her reaction-shot.

From the preceding we see that there always exists in a text an underlying level of omniscient narration – that which frames but is not itself framed – and voyeuristic reception which together create the fictional appearance of other levels of narration. The pronoun 'we', for example, often marks the exchange between subjective narration and personal address. The narration, however, may be characterised by any narrator and reader pair. This shows, for instance, that, contrary to the assertion in many film textbooks, there is no requirement in a POV shot (subjective narration) that the person viewed must stare back into the camera (personal address). The narration may as well be subjective and the address voyeuristic when the actor does not exactly return the stare. The latter is, in fact, the usual form of the POV shot, even in 8½. Many textbook writers make this mistake because they do not distinguish between production by a narrator and production by a reader.

Let us look closer at the production of space by a reader – at the relation between spectator and spectacle. One quite simple, static formulation of this relation is the hoary maxim that the spectator identifies with the lens of the camera.²⁴ A broader concept of the production of space by a reader depends on the analysis of a pattern of successive camera placements through time and how such a locus of point-spaces describes, or rather circumscribes, a narrative scene for a particular kind of viewer. One such pattern often found in traditional films traces out space for a so-called *perfect* or ideal spectator. The *perfect* view, as described by one writer, means that a director

'does not attempt to show it [the scene] through the eyes of one of the characters on the screen: that would mean keeping the

24. See Erwin Panofsky, 'Style and Medium in the Moving Pictures', in *Film: An Anthology*, ed Daniel Talbot, Los Angeles 1959, p 19; Walter Benjamin, *Illuminations*, London 1970, p 230; Christian Metz, 'The Imaginary Signifier', *Screen* v 16 n 2, Summer 1975, p 52.

camera still, showing all the time only the close shot of the opposite actor. Nor does he try to show it through the eyes of an impartial observer physically present at the scene: that would mean that he could only cut to shots which were all taken from a fixed camera position. Instead, the director's aim is to give an *ideal* picture of the scene, in each case placing his camera in such a position that it records most effectively the particular piece of action or detail which is dramatically significant. He becomes, as it were, a ubiquitous observer, giving the audience at each moment of the action the best possible viewpoint.²⁵

Other writers characterise this special production of space by asserting that the director must 'act for the spectator as the spectator would wish him to';²⁶ which is to say, the director must construct (inscribe) a certain kind of spectator for the text. Moreover, it is commonly held that the spectator must be constituted as an *unseen* observer viewing the space from *possible* locations in the fictional scene.²⁷ John Berger argues that, with respect to the depiction of women in the space of painting, the perfect observer is, in addition, frequently assumed to be male.²⁸ This observation would seem to apply to many film texts as well. The 'best' or perfect view of a scene – where we supposedly see *everything of significance* – is a way of calling for omniscient narration and voyeuristic reception. The narration purports not to limit our knowledge so that it becomes simply the 'world' which speaks to the innocent and objective eye of the viewer.

I wish now to consider ways in which the observer, constructed by the film, is an imperfect one. Oshima uses a 360-degree model of space to generate camera set-ups which skew eyelines and confuse screen direction and movement. It is unlike the 360-degree space of either Carl Dreyer or Ozu Yasujiro; the former, in *Day of Wrath* (1943), breaks Hollywood's 180-degree space at decisive moments in the dialogue while the latter settles his spatial deviation into a supra-narrative symmetry.²⁹ Oshima's space is unpredictable. There are also a great number of high and low angles on characters which make a viewer lose contact with the surrounding horizontal space in which the characters move and hence further obscure action and temporal relations.

25. Karel Reisz and Gavin Millar, *The Technique of Film Editing*, Focal Press 1953 (enlarged ed, New York 1968, p 215).

26. Kenneth Roberts and Win Sharples, *A Primer for Film-Making*, Indianapolis 1971, p 138.

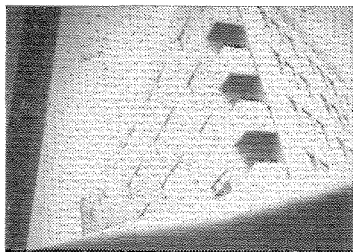
27. Roberts, *ibid*, pp 137-139; Ivor Montagu, *Film World*, Penguin 1964 (Baltimore, Md 1964, pp 140-141).

28. John Berger, *Ways of Seeing*, Penguin 1972 (New York 1972, chap 3).

29. Kristin Thompson and David Bordwell, 'Space and Narrative in the Films of Ozu', *Screen* v 17 n 2, Summer 1976, pp 41-73; Edward Branigan, 'The Space of *Equinox Flower*', *ibid*, pp 74-105.

There are also many shots from camera positions which are impossible for the perfect spectator to occupy. We see a shot from the position of a wall, a high-angle crane shot in the middle of a wide highway, and a shot of a character looking out from the top of a tall building, but from a position on the other side of the railing – suspended over empty space! Fellini, too, employs an occasional impossible shot (eg, Guido's POV flying on the end of a rope – still 1) but, unlike him, Oshima uses such shots systematically and does not motivate them as part of a special reality separable from actuality.

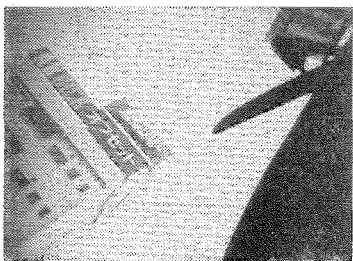
Impossible spectator positions are also related to impossible POV shots. When Motoki chases the police car through the streets and into a tunnel, we soon realise that the shots from his view are moving much too fast and it should be impossible for him to keep up with the car. When Yasuko is raped in the car there are a series of POV shots, interspersed with shots of the interior of the car, which progressively become impossible (stills 9-12). First we see a classic POV shot from Yasuko's position out of a window of the car. A short time later there is a shot skimming along near the surface of the highway as if the viewer were tied to the front bumper of the moving car (we do not, however, see any part of the car). Somewhat later, we see approximately what Yasuko sees out a window but the camera is *outside* the car angled upwards past a side view mirror showing street lamps and buildings moving by. Finally the scene ends with a repeat of the camera set-up from the front of the car bumper but now the camera is inverted so that the



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highway and the sky exchange places. At this point, there can be no possible spectator. 31

The scene of the rape in the car is particularly important because its framing is the very antithesis of the testament film. Instead of expansive landscapes, there is the cramped interior of a car; instead of a unified space, there is a chaotic space composed of fragments of six bodies turned and turning in different directions. What is held constant and helps to order the spatial fragments is the gaze of a spectator who is out of place and to whose face we continually return. That spectator is Motoki, who is wedged on the floor in the front of the car and who stares between the front seats (still 13)



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as Yasuko is repeatedly raped in the back seat. Motoki, the filmmaker of a testament, shorn of his camera, is reduced to spectatorship. Just as he failed to see when re-shooting the mailbox or the railroad tracks, he still does not see; or rather, he sees but as the voyeur, uncommitted and passive. Motoki is perfectly placed for the best possible view – bound to witness what, for him, can only be a spectacle. In these terms, I believe, Oshima criticises a film-making practice which, cut off from social practice, can only be a form of voyeurism both for the author who looks and the spectator who watches.

V Mind: Toward a Redefinition of Character

'Mind' is what I shall call the final element of classical representation in the visual arts. This is that condition of consciousness which is represented as the principle of coherence of the representation; that is, inscribed within the representation is the principle of its own intelligibility. Memory, for example, is the mental condition which is represented as the principle of coherence of the flashback. I do not wish to consider mind in relation to the forms of subjective narration (POV shot, dream sequence, flashback, etc) but rather take up a more difficult assignment and ask, what are the general grounds of intelligibility of 8½ and *The Story of a Man*

32 Who . . . ? On what basis do we understand the non-subjective levels of narration? Toward this goal I will examine and compare the endings of the two films.

Christian Metz has justifiably argued that *8½* contains not one but three endings.³⁰ Guido, realising he is incapable of making a coherent film about his life – which for him remains only confused, episodic and disjointed – crawls under a table in the chaos of a press conference about his film and shoots himself. In a second ending Guido returns to life and sees all the people of his life, past and present, parading in front of him. He recognises that disorder is part of his very being. He confesses, 'All the confusion of my life . . . (pause) . . . has been a reflection of myself! Myself as I am, not as I'd like to be. But that no longer frightens me!' 'I accept you all' he says, and to his wife, 'Accept me as I am. Only then will we discover each other.' Guido himself joins the parade of people from his life. They all join hands and march in a circle. Guido takes up a megaphone to shout instructions, to direct his memories. He has come to order. As Metz notes, this second ending

'heralds not only the existence of *8½* itself, but also the principle of its creation: It will be a film woven from the life of its author and possessing the disorder of his life.'³¹

In a third ending, Guido as a small child appears playing a flute and directing a procession of four clowns. Metz once again:

'No longer is Guido at the centre of the magic circle; now it is only the small child dressed in white, and blowing his pipe, the ultimate, and first, inspirer of the whole fantasy – Guido as a child has become the symbol of Fellini as a child, since, in any case, *the place of the director, which is now empty*, can only be occupied by a character external to the action of the film: by Fellini himself.'³²

I would add a fourth ending. There is a shift to night-time. The child Guido leads his small procession into an empty arena marked by a circle of footlights. In a high-angle crane shot we watch the clowns march off, leaving the child-maestro alone and solitary. But then the child, too, walks off, leaving in centre stage, the stage itself. And so Man gives way to the ultimate victor: the arena, the stage – the idea of theatre – which is eternal and unchanging, the site of Man's transformation even in his absence. What lives is the idea of spectacle and Art.

Let us examine more carefully this series of endings to the film in an attempt to better specify the logic both of the text *8½* and the order of discourse of which it is a part – the classical discourse.

30. Christian Metz, *Film Language*, New York 1974, chap 9 'Mirror Construction in Fellini's *8½*', pp 233-234.

31. *Ibid*, p 233.

32. *Ibid*, p 234.

Toward this objective we will employ a semantic square³³ which relates four terms such that the pair on each diagonal are contradictories; the pair at the top and bottom are contraries; and the pair at the sides are converses (see figure 1). The *disorder* and *confusion* which Guido feels is part of himself and life is opposed as contradictory to the *order* and *stability* which is death and *impotence* (sexual, artistic. . .).³⁴ On the other diagonal, *fiction* and the *fantasy life* (deception, magic) is opposed to the *innocence* and *simplicity* of the child and childhood. Contradictories are defined so that there is no possible mediation between them. Contraries, on the other hand, such as *disorder* and *fiction* (text), have some possible mediation between or beyond them. Converses involve a relation of inference where, for example, a measure of *disorder* (spontaneity) implies *innocence* (which is epitomised, for example, in the cultural myth that children are uninhibited and innocent) and *text* (form, coherence) implies *order* (calculation). It is important to note that these terms, and especially those associated with them, are not given *a priori* as contradictories, contraries, or converses but are placed in a set of relations by the semantic system, or argument, of a text.

33. Umberto Eco, op cit, pp 81-84 (Table 12 and its discussion are inaccurate). See also Jerrold Katz, *Semantic Theory*, New York 1972, pp 157-159, 293-296. According to Katz, contradictories 'divide a common range of significance that is exhaustive as well as mutually exclusive' while contraries 'mark out regions on their range of significance that are incompatible but do not jointly cover the whole range' (p 159); and converses are a special case of synonymy based on a process.

My application of the semantic square to the ending of a text follows Frederic Jameson's application to the characters in a short story in 'The Ideology of Form: Partial Systems in *La Vieille Fille*', *Sub-Stance* 15, 1976, pp 29-49; see also Jameson's *The Prison-House of Language*, Princeton, N J 1972, pp 163-168. Jameson borrows from A J Greimas and François Rastier, 'Les Jeux des contraintes sémiotiques' in *Du Sens*, Paris 1970, pp 135-156. This article has been translated in *Yale French Studies*, n 41, 1968, pp 86-105. See generally, William O Hendricks, 'The Structural Study of Narration: Sample Analyses' in *Poetics* 3, The Hague 1972, pp 109-110 and Wayne Guymon, 'An Exercise in Semantic Analysis' in *Journal of Literary Semantics* 4, The Hague 1975, pp 85-86.

The above analyses are adaptations of the 'square of opposition' used in traditional logic to classify categorical propositions. None of these sources, however, gives an adequate account of the square of opposition, for which see a textbook on logic, eg Morris R Cohen and Ernest Nagel, *An Introduction to Logic and Scientific Method*, New York 1934, pp 52-68; Howard Kahane, *Logic and Philosophy*, Belmont, California 2nd ed 1973, pp 188-192.

34. For a more detailed account of the theme of death in 8½ and how it is extended to the church and marriage, see Albert Benderson, *Critical Approaches to Federico Fellini's 8½*, New York 1974, pp 50-67. Perhaps the most famous image of order in the film is Guido wielding a bullwhip over his harem during a fantasy sequence.

34 The narration of 8½, then, operates to place these terms, or clusters, in the configuration of a logical square. In the simplest narrative, there is only one opposition (eg. good versus evil) which would be resolved merely through the defeat of one of the adversaries. (If there is no opposition at all, then the text is not narrative but descriptive.) 8½, however, is more complex in that it explores the *density* and relationships of four semantic clusters and, further, argues for a resolution 'beyond' the logical system on a 'higher' plane of reality. Hence, the importance of the magician, Maurice, who aids Guido in the final scene. The system is built in order to be suddenly broken and thereby disclose a more comprehensive 'truth'. In this context, an observation by Oscar Wilde acquires added meaning: 'A Truth in art is that whose contradictory is also true' (*The Artist as Critic, Critical Writings of Oscar Wilde*, ed Richard Ellman, Random House, New York, 1968, p 432).

The conclusion of 8½ is an inventory of the four possible resolutions of the opposing terms. The great circle dance which we witness and the circle of footlights are, precisely, the figures for a new unity, a resolution of opposing terms. First, we see a combination of the two lower-level terms in a kind of negative synthesis or transcendence ($-S + -\bar{S}$) when Guido commits suicide. (It is significant that at the moment of death his childhood is also evoked through an apparition of his mother.) It is a *negative* transcendence because, against the logic of subcontraries, we see that neither term exists; that is, suicide is neither innocent nor is it a proper death (in accordance with, for example, Catholic belief).

In the second ending ($S + -\bar{S}$), Guido resolves the confusion and sense of sin he feels with the (perceived) idyllic innocence of his childhood. He decides to accept the contradictions within himself and asks others to also accept him as he is. In the next ending ($S + \bar{S}$), Guido becomes an author, a film-maker capable of directing his fantasies and bringing them to order. By rediscovering himself - his fantasies, his past - Guido has refound the ability to act in the world.

The fourth and final ending is a positive synthesis of the two upper terms ($S + \bar{S}$) and amounts to a transcendence of the initial opposition of disorder and fiction; that is, the confusion of reality is reconciled with the private meaning of Guido's fantasies. It is a *positive* transcendence because, against the logic of contraries, we see that both terms coexist; that is, art is unreal, a fiction, and yet in some fundamental sense, also real. In effect, the first two scenes of the film (Guido's fantasy followed by the entrance of his doctors) promise such a reconciliation between reality and imagination with the added complexity that Guido is also an author. Thus the film becomes, crucially, a working out of the precise status of author with respect to reality, imagination, text, subject (consciousness), and the other terms. The final transcendence, as I have argued,

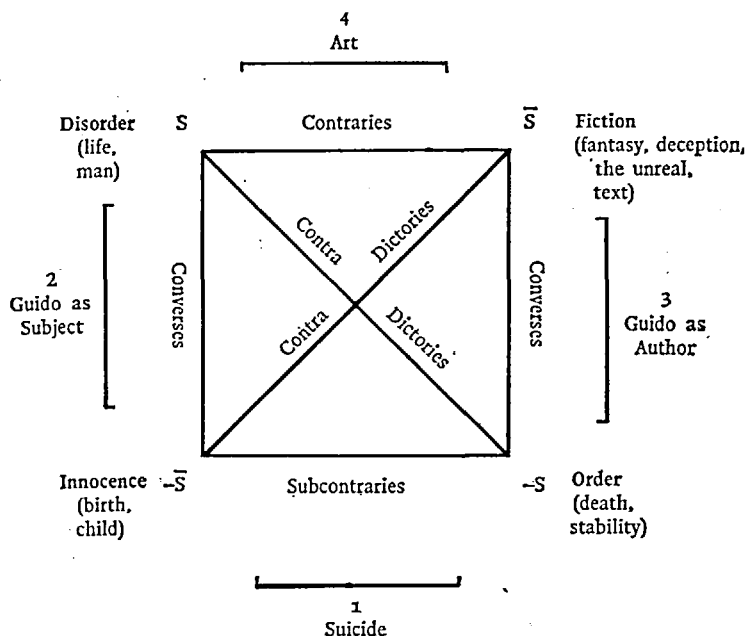


Figure 1

A Semantic Square Illustrating One Thematic System of $8\frac{1}{2}$ and its Four Conclusions

presents Art as the ultimate mediation between reality and fantasy. It is offered as that term which is not limited by time, history, or social condition. Through Art the text asserts its immortality. Art is also offered as that semantic entity which completes the series of impossible endings arranged by the logical system of $8\frac{1}{2}$. It is not surprising that critics interpret these logically transgressive moments in mystical ways, for example, as a sudden freedom, an 'epiphany' or as follows: 'The boy inside the man [Guido] has been freed and restored, not by design, deliberation, or development, but by an act of grace.'³⁵ When a logical system is broken without explanation, the reason seems to lie with the ineffable.

In summary, we can say that although $8\frac{1}{2}$ may appear to be a diffuse, even chaotic work, the symmetry of its underlying thematic

35. Ibid, p 132; Ted Perry, *Filmguide to $8\frac{1}{2}$* , Bloomington, Indiana 1975, p 66. According to George Linden, *Reflections on the Screen*, Belmont, Calif 1970, pp 259-262, $8\frac{1}{2}$ contains five levels of reality: realism, authorial comment, fantasy, memory, and mystic vision.

36 complex – shown as a semantic square – is more typical of the economy and closure achieved by the classical text. Furthermore, 8½ re-enacts the presuppositions and logic of classical discourse in its placement of author, text, art, and reality.

In light of all this, what can we say about the ending of *The Story of a Man Who Left His Will on Film*? Motoki jumps from the top of the building and we see a POV shot as he and the camera fall to the ground. The camera, on the verge of being freed of the filmmaker, records his death. We see Motoki dead on the side-walk. But we have learned not to trust the apparent coherence of the POV shot. If the film were to end here, the previous narration would fall like the suicide neatly into place (so Motoki was the author, his first death was imagined . . .) and we would be left with a pessimistic version of the end of 8½ when Guido commits suicide. Instead we see someone – wearing Motoki's tennis shoes – run in and grab the camera lying next to Motoki's body just as Motoki had grabbed the camera lying next to a body at the beginning of the film. There is a strong sense in which Motoki has again taken the camera and the cycle of the film will begin again. But it cannot be a cycle for a cycle is only another form of stability – that which changes by circling onto itself. Moreover, a cycle suggests the biological time of 8½ where an innocent and sensitive child grows to a man and an artist. Motoki does not come to order in that way.

I have argued that the film throughout posits contradictions which cannot be reconciled: contradictions in the image, in time, in impossible framings, and in character. This last, most of all, for both Motoki and Yasuko seem split in two with a continual interchange among fragments of Motoki and fragments of Yasuko. The relation of Motoki to the testament film is never decided for there is a constant dialectic which never quite holds him either as a Marxist or as an artist of the transcendent. At the end we don't see Motoki's face as he grabs the camera because there remains the possibility of change; the story will not simply be repeated, but rather next time Motoki may try an entirely different route to avoid making and becoming part of the testament film. Above all, Motoki is not rendered in terms of an irreducible essence that surpasses culture and history, something 'human' which orders experience. Motoki exists only in terms of energy and change.

There is a remarkable shot in 8½ which sums up its activity of narration. The camera, panning right, follows Guido in extreme long shot in a hotel lobby and stops when he stops. A woman in the near foreground beckons and he looks toward the woman (her arm rests on a chair at right; still 14) as the camera pans right to frame her (an eyeline match). The woman follows him with her eyes as he approaches from off-camera (still 15); finally, Guido's arm stretches out to her in the extreme foreground from the exact position of the camera (converting the space into a near POV shot; still 16). The narration of 8½ has a single set-up held, then lost, but



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finally returned and fixed Guido as the coherence of its space. The fixing of levels of narration in the form of alternatives is a precondition for the generation of certain rhetorical figures – ambiguity, irony, tragedy – and their resolution in the unique, timeless, and universal.

The Story of a Man Who . . . offers no stable alternatives in this way, and hence no decision, resolution, hesitation, reversal, and so forth, among the alternatives is possible. The film posits instead a fundamental indeterminacy. It is fitting that at the end of the film we are returned to its beginning, returned to a shot which has almost slipped from memory: the opening titles play over the outline of a person's shoulders and head in medium close-up (still 17). What startles is that, because of the sharp contrast in lighting, we cannot determine whether the person directly faces the camera or is turned directly away; whether the person is male or



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- 38 female; whether the shot is a photograph or a film of a motionless person. In 8½ the question to be answered by the text would be 'who is this person?'. In *The Story of a Man Who Left His Will on Film* the question cannot be answered on the ground of Human Nature, but only in terms of the unremitting contradiction of the subject formed in ideology. The text does not hesitate, it contradicts.

VI Conclusion

While Fellini in 8½ is working near the limits of classical representation. Oshima in *The Story of a Man Who Left His Will on Film* has crossed that line into a representation based on a radically different set of assumptions. Oshima does not do away with representation in the broadest sense of symbolic activity, nor does he jettison narrative – a form of symbolic activity – by substituting or subordinating it to inanimate objects and graphic display. The Oshima film does tell a story. Still less can Oshima's project be distinguished by purely formal criteria, for both of these films exhibit a high degree of spatial and temporal discontinuity; complex, plural systems of meaning; and both fit the now fashionable category of the 'reflexive' film (which, anyway, seems to me to be only the perverse offspring of a theory of reflection or mimesis). Neither does it avail to replace the metaphor 'mirror' construction which might characterise 8½ with that of 'distorted' reflection or prism for the *The Story of a Man Who...*

I have taken a tentative step toward locating the difference between the two films by attempting to isolate one feature of a text at a level which structures form – subjective narration. I have also shown how the assumptions underlying that feature – origin, vision, time, frame, and mind – may be profoundly upset. One must be cautious, however, not to say that this feature by itself locates the difference between the classical and the modern. It seems fruitless to search for the necessary and sufficient conditions of 'modernism'.³⁶ Closer might be Wittgenstein's relation of 'family resemblance' where a text would be modern if it has enough of a number of relevant features and one determines how many features are enough only by noting what is actually called modern, that is, by placing the modern in historical context.

36. See Metz, *Film Language*, op cit, chap 8 'The Modern Cinema and Narrativity', pp 185-227; Morris Weitz, 'The Role of Theory in Aesthetics', *The Journal of Aesthetics and Art Criticism* v XV n 1, September 1956, pp 27-35. A contrary position is suggested by Maurice Mandelbaum, 'Family Resemblances and Generalisation Concerning the Arts', *The American Philosophical Quarterly*, v 2 n 3, July 1965, pp 219-228.

With respect to subjective narration, then, I have argued that the origin of a production of space in the Fellini text is fixed in Guido as early as the second scene of the film (in the bedroom) and though there are images of uncertain status, the text never abandons a belief, if not in an absolute reality, then in an ambiguity bred of character. The dominating dichotomy of inner versus outer remains unscathed. Truth shifts only from the exterior to the interior. The time of narration equally becomes ambiguous and psychological, but it too requires the founding of a *non*-psychological time in exterior reality. The general conditions of intelligibility for the Fellini text, and indeed for classical discourse, may be mapped through the use of a semantic square which illustrates the assumed relation of such terms as subject, author, text, reality, and Art.

By contrast I have argued that the Oshima text refuses an origin in character by depicting two ideologies – two possible representational systems between characters and their conditions of existence – thus creating mutually contradictory forms of the same character; in this sense there are two Motokis and two Yasukos given to various dialectical combinations one with another. Earlier we charted seven moments in the narrative which illustrated various possible combinations. Since time – the process of change – is measured here only in terms of permutation, such as the permutation of character, and not consistency (the ‘evolving’ or developing character), the narrative is non-linear. By contrast, linear narrative or a consistent character depends on a logic of reducing the set of future possibilities by what has already been realised in the past and thus a ‘climax’ or a ‘revelation’ of character – those archetypal figures of the linear narrative – quite rightly assume the shape of a pyramid where every element in the signifying space redoubles and builds consistently in one direction until there remains but one (inevitable) possibility. Thus what is inevitable in such a narrative is only the certainty of a climax or revelation.

The opposition of these two ideologies that form two Motokis and two Yasukos, may also be traced in such issues as whether or not film is the testament of a personal author and in what ways an image is a social gesture as well as a host of related questions about ownership, women, and the urban environment. The film is a text of difficult spaces – 360-degree space, impossible POV shots, impossible camera positions – in which the spectator cannot fix a level of narration and so come to rest as a perfect, unseen observer – the voyeur that Motoki becomes during the rape of Yashuko (still 13). Just as it constructs inconsistent characters, the text constructs an inconsistent spectator.

The result is nothing less than the redefinition of that coherence which until now has been called ‘character’. Character is no longer measured by the austere dichotomy of interior versus exterior (or mind versus body, spirit versus matter) and is no longer assumed free to move within the limits of the narration and the limits of a

40 represented culture. Character does not function to reaffirm the essence of Man and the transcendence of Art. Instead, for Oshima, character exists only in the interstices of social practice. The clash of two opposing ideologies produces in the text gaps, fissures, contradictions, and impossibilities, which are neither hidden nor 'resolved' as they are in 8½. As the ending of the film demonstrates, the Oshima text promotes exploding or open imagery which maintains a measure of indeterminacy in an attempt to represent not hierarchical order but the possibility of change and revolution. The possibility of change for Motoki is not given in the change of child to adult, unskilled to artisan, or through an act of grace, but in the potential for ceaseless self-criticism, a doubling back onto oneself in contradiction.

Photographs by Geoff Goode

Screen Readers' Meetings to discuss the contents of this issue and the last issue of the journal with contributors and members of the Editorial Board will take place as follows: v 18 n 4 on Saturday 27th May at 11 am; v 19 n 1 on Saturday 15th July at 11 am. These will be held at the SEFT office at 29 Old Compton St, London W1V 5PN.

Notes on Subjectivity

On Reading Edward Branigan's 'Subjectivity Under Siege'

Paul Willemen

I.1

Edward Branigan's comparative analysis of the structures of subjectivity in Fellini's *8½* and Oshima's *The Story of a Man Who Left His Will on Film* draws attention to some fundamental problems in film studies and raises an important issue in film theory. More specifically, it constitutes a contribution to attempts to bring about a shift away from film studies to an engagement with signifying practices, ie the consideration of film as a practice of meaning production rather than as an autonomous object of study.

As Branigan states in the footnote to the title of his essay, the study was produced in the context of 'a general study of point of view [POV] in the cinema'. As such, it can be seen as part of the work on structures of POV produced at the University of Wisconsin, Madison, of which *Screen* has published three examples so far: Edward Branigan's 'Formal Permutations of the POV Shot' in *Screen* v 16 n 3 1975, and his analysis of 'The Space of *Equinox Flower*' published together with Kristin Thompson and David Bordwell's essay on 'Space and Narration in the Films of Ozu' in *Screen* v 17 n 2, 1976. One reason why these articles have importance is that they all mark to some extent the above-mentioned shift within the confines of an institutionalised academic discourse on the cinema. By attending to the problem of enunciation and subjectivity, they help mark a possible site of an exit from formal semiotics and mechanical structuralism both of which tend to locate films as messages circulating between 'inscribed' or abstractly conceived addressers and addressees, the a-historical 'persons' put into place by conventional information theory. Branigan's analysis of the two films to a degree works to question the model produced

- 42 by information theory in so far as it contrasts rather than compares the notions of subjectivity implied by each of them: Fellini's film is seen as on the whole remaining 'committed to assumptions of traditional subjective narration . . . finding its centre in the consciousness of a character',¹ while Oshima's film 'challenges this and poses the concept of the subject in radically new terms' seeing character as existing 'only in the interstices of social practice'.

I.2

Branigan argues this point via a formal analysis of POV structures and the construction of coherent fictional characters. It is this starting point that sets in motion a series of confusions bearing primarily on the un-thought differences between the subject of enunciation and the subject as constructed through discourses in ideology. By examining Fellini's and Oshima's film in relation to the formal inscription of character and POV, Oshima's film emerges as the negation, the reverse side of Fellini's film, rather than as a film opening up the possibility of an entirely different theorisation of subjectivity in cinema. The very formulation of the title of Branigan's essay ('from . . . to') suggests a linearity, a shared field, rather than a radical heterogeneity, different signifying practices. Moreover, throughout the essay, the two films are constantly pulled into the same space, firstly by the reiteration of areas of overlap between them and secondly by the assertion that $8\frac{1}{2}$ is not entirely within the coherence of traditional narration while Oshima's film is not entirely outside it.

This pulling together is achieved, perhaps ironically in an essay addressing problems of subjectivity, by failing to address the issue of the subject of the enunciation constructed, placed by the films themselves as discursive formations. Branigan analyses in detail how Guido is represented in $8\frac{1}{2}$ as the full consciousness from which the 'film within the film' emanates. But when the framing narrative is itself seen to contain the same type of disturbances which in the framed narration are seen as motivated by Guido's artistic consciousness, Branigan omits the conclusion that the framed film relates to its subject in the same way that the framing narration is supposed to relate to its expressive source: Fellini. But this is the whole point of the construction of Guido as 'artist' in relation to the 'inner' film. And it is in this context that the strategy of retrospective attribution, remarked on by Branigan, makes sense: we are presented with images/sounds which we are then invited to relate to Guido as their origin. In the same way that the film as a whole presents us with images/sounds which the audience, having seen the film, can then attribute analogously to Fellini, who is thus retroactively constituted, not only as 'another Guido', but as some-

1 Unattributed quotes are from Edward Branigan's essay in this issue of *Screen*.

how 'greater' than Guido, an artistic consciousness expressing and encompassing the represented artistry of Guido. Only by remaining within the confines of an immanent analysis can Branigan claim a certain degree of heterogeneity and 'openness' for Fellini's film: the marks of the 'outside' source of expression are left hanging in the air, re-invested in the film as 'impossible' signs, as, precisely, marks of heterogeneity. But in so doing, what gets blocked is the possibility of thinking discursive practices as constructing subjectivity in social formations, in/for ideology. The question of the subject of an enunciation is examined through the introduction of the analysis of POV only in relation to characters in the fiction, perhaps because to extend notions of POV to the subject of the enunciation of the film as discourse would inevitably raise the issue of the relation between texts and authors/readers, themselves embedded in history.

1.3

It is the academic practice of close reading, the ghost of empiricism, which produces the demand that readings be constructed exclusively on the 'evidence' provided by the phenomenal aspects of the text (including the form of the content – although this immediately begs the question of how semantic values are constructed, read and located in history). In this way, the cumbersome extra-textual, the outside of the text, is evacuated from the analysis: an outside consisting of discourses in struggle, discursive formations cohering into conjunctures of ideologies. But such an evacuation also makes it possible to demonstrate, rather than assert, the very conclusions Branigan seeks to propose. He writes:

'The Oshima film is a text of difficult spaces – 360-degree space, impossible camera positions – in which the spectator cannot fix a level of narration and so come to rest on a perfect, unseen observer . . . Just as it constructs inconsistent characters, the text constructs an inconsistent spectator.'

Exactly how, on what grounds and with what implications this jump from character to spectator is to be thought, is left unexplained, perhaps because to think the articulation character-text-spectator would require thinking the already evacuated problem of the articulation character-text-author. Furthermore, the problem of how to proceed from the definition of 'character' as inconsistent to the demonstration of the thesis (in itself probably quite plausible) that Oshima's film sees character as existing 'only in the interstices of social practice' also remains unclear. It is unclear whether the social practice referred to is the practice represented in the text in relation to a set of characters, or whether Branigan's statement suggests – as I think it should – that the very notion of 'character' itself, including therefore its status as a critical concept, exists only in the

44 interstices of social practice, ie in the practice of 'meaning construction in ideology', that is, in this instance, the practice of the critic. However, Branigan's analysis implies the former notion of social practice. Hence he goes on to say that the inconsistency he locates in the film is due to the simultaneous inscription of two contradictory ideologies *in relation to a character* (my italics). In fact, all so-called psychologically complex fictional characters are located at the intersection of contradictory ideologies; impossible POV shots are commonplace to a great many 'classic' narratives (*The Fall of the House of Usher*, *The Appaloosa*, *North by Northwest*, *Le deuxième souffle*, etc), as are 360-degree spaces; impossible camera positions always connote impossible POVs and always refer to a subject of an enunciation (whether retroactively attributed to a character or not), and so on. Once more, the absence of an attempted articulation of the 'inside' and 'outside' of an empirically given text collapses the argument onto the level of an 'immanent' reading, thus blocking the theorisation of the construction of subjectivity in social practices.

Branigan's remark about the inscription of two ideologies probably means that there are two ideologies at work in Oshima's film, one that says that character x is the expressive subject, the author of the testament film, the other that says he isn't. However, according to the analysis proposed, this inconsistency is contained within the enounced (*énoncé*) of the film, which leaves the authorial subjects untouched: Fellini and Oshima stand outside the text, as full subjects constructing a text for a reader, or better, constructing readers through their texts. Secondly, to say that characters are inconsistent leaves the notion of character itself unquestioned, positing character as the source of motivations lending coherence to the narrated events. After suggesting that Oshima's film explodes the notion of character, mentioning that the characters are logically speaking 'impossible', the essay nevertheless ends with the statement that Motoki is indeed a character, but one for whom the possibility of change consists in his potential for ceaseless self-criticism, a statement even Fellini would agree with.

The concept of character stems from a specific type of literary practice and its concomitant ideologies. By stating that Oshima's film 'forces' upon us a redefinition of the coherence we have come to designate as character, one character-coherence is merely substituted for another: instead of a character grounded in the notion of consciousness, we now have a character, as Branigan puts it at the end of his essay, 'doubling back on itself in critical self-examination'. But the entire analysis of the relation of Motoki and Yasuko to the testament-film clearly shows that something quite different from critical self-examination is at stake: a questioning of the construction of subjectivity through discursive practices. In Oshima's film, the concept of character as it emerged from the nineteenth-century novel is not redefined, it is made irrelevant. And in a way,

this is precisely what Branigan's analysis shows in the interstices of its own practice. It is not the inconsistency of the characters that produces 'gaps, fissures, contradictions' in Oshima's film, it is the attempt to mobilise the concept of 'character' in relation to the film which produces gaps, fissures and contradictions in Branigan's article.

But perhaps the real crux of the question is to be found in the assertion that the text constructs an inconsistent spectator. One could object to the notion of inconsistency put forward on the grounds that it is perfectly possible to produce a 'consistent', ie a coherent and systematic reading of Oshima's text. To some extent, this is precisely what Branigan attempts in the course of his analysis. Obversely, to the extent that I argue in these notes that Branigan's reading is 'inconsistent', Branigan may justifiably, although perhaps disingenuously, point out that his reading is indeed evidence of the power of Oshima's text to construct inconsistent spectators. However, the main point I would wish to take up in this context is the suggestion that texts *construct* spectators, with all its implications of subjugation, unilateral determination, not to say terrorism. What is it exactly that texts do construct, if anything other than themselves?

II.1

The articulation of inscribed authors/readers with subjects in history must pass through an engagement with notions of ideology. In the words of Stephen Heath:

'There is no subject outside of a social formation, outside of social processes which include and define positions of meaning, which specify ideological places . . . it is not that there is first of all a construction of a subject for social/ideological formations and then the placing of that constructed subject-support in those formations, it is that the two processes are one, in a kind of necessary simultaneity – like the recto and the verso of a piece of paper.'²

Neither do texts construct subjects outside of social processes then to be placed in those formations – where that 'placing in' would constitute a different object of study, eg sociology. But with texts too, there is a necessary simultaneity, a subject-construction always already in history. The distinction between aesthetic and sociological studies of literature, cinema, etc must be seen as a specific ideological operation, not a recognition of pre-existing divisions in the real. In fact, such distinctions and divisions block the thinking of signifying practices as fundamentally ideological practices always embedded in and deriving their significance from

2 Stephen Heath, 'Screen Images, Film Memory', in *Edinburgh '76 Magazine* n 1 p 40.

46 the contradictory and heterogeneous processes which constitute given social formations.

In his essay, Branigan recognises that the introduction of ideology is necessary for an adequate understanding of the radical implications of Oshima's text. But unfortunately, this introduction remains superficial, as if parachuted into the analysis, producing a 'troubled formalism', but a formalism nevertheless. The reason why the introduction of ideology as a concept remains largely ineffective is perhaps due to the imprecision and confusion surrounding its definition, together with the presence, within a set of formal categories, of the term 'mind', itself a mask for what is elsewhere designated as ideology. The essay thus intertwines two heterogeneous, not to say mutually exclusive discourses: formalist idealism, which dominates, and the outlines of a materialist theory of the subject which functions as a disturbing interloper. The co-existence of the terms 'ideology' and 'mind' within the essay as equally valid concepts illustrates this point most clearly.

When Branigan writes that '*mind* is that condition of consciousness which is represented as the principle of coherence of the representation', while arguing that Oshima's film destroys the fiction of coherent characters by 'simultaneously inscribing two different ideologies between (the film's) characters and their world', and ending with the claim that ideology is 'that practice which orders the significance of the world and places the individual as significant in the world', he has in effect, in spite of his denial, equated ideology and mind, even within his own terms of reference. 'In two ideologies' becomes 'in two minds' and Oshima's film ends up being about a clinical case of schizophrenia: the coherence of the character is re-established in terms of psychopathology.³

Conflating representational system, text and film, ideology is at one point reduced to 'represented ideology' without clarifying its possible difference from non-represented ideology, to one term in the triad: character/represented ideology/event, where represented ideology appears to be something similar to Barthes's 'hermeneutic code': ie that formal organisation which poses, maintains and

3 In this context, it may be of some interest to note Mishima's Yukio account of the inscription of a contradiction (two ideologies) in relation to a character, demonstrating that such a notion can be perfectly accommodated in the most traditionally idealist and frankly reactionary political ideology. In *Sun and Steel* (trans by John Bester, Grove Press, 1970), Mishima writes: 'My mind devised a system that by installing within the self two mutually antipathetic elements—two elements that flowed alternatively in opposite directions—gave the appearance of inducing an ever wider split in the personality, yet in practice created at each moment a living balance that was constantly being destroyed and brought to life again. The embracing of a dual polarity within the self and the acceptance of contradiction and collision—such was my own blend of art and action.'

finally resolves the enigmatic relation between characters and events. That is to say it is the principle of intelligibility of the narrative. At this point, we are back where we started: ideology=mind.

But in the above-mentioned definition of ideology as the 'practice which orders the significance of the world', the introduction of the term 'practice', offers a way out of the impasse because it implies that signifying practices articulate subjectivity and social processes. As such, the process of meaning production can no longer be thought as the effectivity of a system of representation, but rather as a production of and by subjects already in social practices; a production not dependent on any single 'system of representation', but determined by the relations of force, the conjuncture of discursive, economic and political practices which produces 'subjects in history'. As to the dialectical relations between these sets of practices, each of them a terrain of struggle, this currently constitutes a major issue in dialectical materialism which I will return to, rather obliquely, later in these notes.

Oshima's film, then, is supposed to destroy the notion of the coherent character by simultaneously inscribing two different principles of intelligibility in relation to its fictional personages. By embedding the character in two mutually exclusive structures of understanding, the coherence of the narrative is destroyed, is rendered unintelligible. In this way, the film supposedly forces the reader to draw his or her conclusions regarding the 'possibility of change and revolution'.

This introduces the concept of 'the reader' as the locus of truth. In effect, it is the mind of the reader which is supposed to provide the terms of the coherence of the text, its intelligibility. The reader is thus presented as the point at which the productivity of the text stops. This is as it should be according to the precepts of communication theory. But simultaneously, Oshima's film is supposed to invalidate this theory by questioning the status of its two poles, its two boundaries: addresser and addressee. Branigan's article merely displaces the centre of coherence which Fellini's film poses, via Guido, as being in the Mind of the author, to the other end of the communicational model: the reader. However, the reader is seen as 'determined' by the text, which itself relates to an outside agency, unquestioned and unproblematic, the author. Via the text, the reader is thus supposed to be subjected to the intentionality of the author. The 'ideal' correct reading is then one where reader and author coincide, with the reader functioning as the point of coherence, more or less accurately reconstructing, ie reading, the intentionality of the author, a process verifiable through interviews with the author and biographical research, themselves 'read' to produce an authorial intentionality backing up, filling out the image of the author as read from the texts.

This procedure poses the text as outside ideology, outside social formations and outside history, a once-and-for-all given stability, an

48 empirical given. As the text 'inscribes' a reader, this reader is therefore also posed outside ideology and history: the text, if read 'correctly' is supposed to have determinate and inevitable effects on the reader.

II.2

The notion of POV, with its potential (and at present dominant) implications of full subjects *having* a POV and even imposing it on others, is one more element deriving from the traditional model of communication, perhaps best formulated by Boris Uspensky:

'In terms of communication theory, we may treat the literary [here the film] work as a message, the author as the sender and the reader as the receiver – correspondingly, we can distinguish the point of view of the author (the sender) and the point of view of the reader (the receiver); we can also distinguish the point of view of a person whom the message describes (a character in the narrative).'⁴

Further distinctions such as author/narrator and reader/narratee allow the bringing into play of a complex battery of relations between subjects and/or their representatives within the (in this type of analysis usually narrative) message. But there remains an unbridgeable gap between 'real' readers/authors and inscribed ones, constructed or marked in and by the text.

Real readers are subjects in history, living in given social formations, rather than mere subjects of a single text. The two types of subject are not commensurate. But for the purposes of formalism, real readers are supposed to coincide with the constructed readers. Should they have the temerity to consider the text as a profoundly unstable economy of discourses, whose coherence will vary according to their location in historico-ideological configurations (thus becoming a potential locus of struggle), then these readers will be accused of running the risk of 'distorting' or simply failing to recognise the aesthetic structure as a self-regulating system that makes 'sense' only if a particular vantage point is occupied. Thus, text and reader freeze each other into immobility. This inscribed vantage point is always outside the text in a position symmetrical to that of the author. It is given once and for all by the disposition of the chain of signifiers which constitutes the text. It is the point at which the productivity of the text ceases, its point of coherence, the point where contradictions are lifted and things make sense. By projecting this point into the text – to re-discover it via a formal analysis – as a virtual image, the process of communication, or rather of signification becomes once more a closed circuit, cut off

4 Boris Uspensky, 'Study of Point of View: Spatial and Temporal Form', in *Working Papers and Pre-Publications*, n 24, Urbino 1973.

from subjects living in sociality and therefore always 'in process'. 49
As Geoffrey Nowell-Smith says of formalism 'The subject was outside the system – on the one hand as an irrelevance to objective study, but on the other hand also as foundation, negligible because taken for granted.'⁵ This allowed 'readers' to be conceived of as blanks, mere functions supporting the text and therefore passive – to be constructed and put into place according to the whim of the texts, and their authors. Because the existence of authors was never in doubt. Even if the author had to be considered as a structure, by some coincidence there were always as many 'authorial structures', objectively describable, as there were names of directors, writers, etc. The same never seemed to apply to readers, who remained subordinate to the 'effectivity' of the text. In so far as they were not, in so far as their productions diverged from the inscribed structure, this was attributed to realms beyond the boundaries of aesthetics (society, the psychopathology of individuals, etc).

II.3

Although the introduction of the critical category of POV constitutes an attempt to locate the text in relations of subjectivity, it is still complicit with the ideology of centrality and identity, with the model of communication theory which the development of a theory of the subject seeks to displace. In the analysis of processes of linguistic signification, POV operates within the same framework that governs the perspectival organisation of space. In relation to the novel, it arose as a concept produced by and for the type of literary practice we have come to know as exemplified by the nineteenth-century novel and which is still massively dominant today in literature, TV and cinema. However, the difference between, for example, European monocular perspective, Japanese systems of perspective, Byzantine lack of perspective, between different framing procedures and the imbrication of spatial layers and/or ornamental planes in different historico-ideological formations, should stand as sufficient warning against the use of POV as a universally valid scientific concept for the discussion of problems of subjectivity in signifying practices. Our present tradition has a POV of the author or the narrator, a POV of the narrator or reader, and the text as their space of encounter, with the author seeking to impose a POV on the reader who retaliates, via his or her professional representatives (critics, teachers, journalists) who seek to find and thus produce the POV of the author. The author inscribes readers at the point of reception, readers produce authors as the point of origin. The formalist solution to this paranoid game (authors claiming critics are failed or frustrated artists in order to protect them-

5 Geoffrey Nowell-Smith, 'A Note on History/Discourse', in *Edinburgh '76 Magazine*, n 1 p 26.

50 selves against the possibility of the critics returning to them the image of an author they have no wish to recognise as their own) is to enclose this process of exchange into a self-contained unit, circumscribed by unified 'images' of authors/readers. Equality has been restored: both are images and neither need have any relation to the people actually involved in the production of meaning. The rest is history and/or psychopathology. As Pierre Macherey concluded in his lecture *Problems of reflection*:

'We re-discover the author with his initiatory potential, no longer, admittedly, in the warm intimacy of his creativity, but opposite it, in an external relationship which is nonetheless closely related to it.'⁶

The ideological-political implications of the model of communication described by Uspensky, were clearly spelt out by Umberto Eco:

'The Page (or the Book) is the communication of an Absolute – and therefore something Unalterable – between two Universals: a Man on one side and a Man on the other. To read is to penetrate into this intangible and unique universe which the man on the other side transfused into Form. The Form is what it is: from the moment it is born, it does not adapt itself to the world, to history, to society, to space and time, but the world, society, history, space and time adapt themselves to it and form themselves in its image. To read is to accomplish this act of identification and unification, to penetrate into this knot of eternity where everything has but one definition, where all change is licence and where all the possible is resolved in the obedience to the higher laws of Form.'⁷

Eco continued that in fact

'Each sign of a message corresponds to a precise signification only if signifieds, signifiers and code are taken on the abstract and statistical level of a theoretical communication; in fact, in the mind of the one who receives it, each signifier opens onto a rather large semantic field . . . A message always constitutes a bet on the way it will be received.'

Although it would be more accurate to say that each signifier always opens onto a rather large field of other signifiers, and in spite of the ghost of formalism haunting Eco's remarks, he clearly outlines both the ideology presiding over communication theory and, if artistic production is to be seen as a form of gambling (why not?), the need to re-think the rules of the game.

6 Pierre Macherey, 'Problems of Reflection', in *Literature, Society and the Sociology of Literature; Proceedings of the Conference held at the University of Essex, July 1976*.

7 Umberto Eco, 'Le Problème de la Réception', in *Critique Sociologique et Critique Psychanalytique*, Brussels 1970.

The problems manifested in Branigan's essay in relation to the theorisation of concepts such as character, ideology and the twinning of reader/author, all stem from the attempt to yoke together elements from communication theory with the theory of the subject as elaborated in psychoanalysis. In other words, they stem from the lack of a theory of discourse, of discursive practice, with the attendant concepts of the construction and positioning of subjects in sociality.

Formalism in all its various modalities has been dogged by this problem for a number of years. The most sophisticated and at the same time the most revealing attempt to solve the problem within the terms of a structural poetics has been formulated by Tzvetan Todorov. In his essay, 'Les catégories du récit littéraire' (1966),⁸ Todorov elaborated the concepts of the inscribed reader and author of a text: 'The narrator is the subject of the enunciation represented by a book [film] . . . but [his or her] fugitive image cannot be pinned down and assumes contradictory masks, ranging from that of a flesh-and-blood author to that of some character. There is nevertheless a place where it would seem we can come near enough to that image: we can call it the level of appreciation', which can be recognised through recourse 'to a code of psychological reactions and principles which the narrator postulates as being common to the reader and himself'. The images of narrator and reader/narrator 'are closely dependent on each other, and as soon as the image of the *imaginary* [my italics] narrator becomes clearer, so does the outline of the imaginary reader become more precise'. Here we still have the model of communication theory, but narrator/sender and narratee/receiver have now been split into (a) functions of the text, ie the 'I' and the 'You' always posed by an enunciation, whether the source of the enunciation is represented as present (as in 'discourse') or as absent (as in 'history'),⁹ and (b) 'real' authors and readers, embedded in social reality, but outside the system of the text. This split makes texts into autonomous, self-enclosed and self-regulating systems available for appropriation by 'objective' structural analyses. Although the reader is not immune from the impact of other sets of discourses, Todorov suggests at least the possibility of stripping away these extraneous interferences, this socially produced 'noise', in order to read the text as it was, is and always will be supposed to be read.

III.2

Todorov returns to the problem in a more recent essay entitled, significantly, 'La lecture comme construction' (1975).¹⁰ Here he spe-

8 In *Communications*, n 8.

9 G Nowell Smith, *op cit*.

10 In *Poétique*, n 24.

52 cifies that in between the flesh-and-blood reader and the image of the reader, there is a third

‘as yet unexplored domain: that of the logic of the reading, not represented in the text and yet anterior to individual variation . . . The question of reading can thus be formulated in a more restricted manner: how does a text lead us to the construction of an imaginary universe? Which aspects of the text determine the construction we produce when reading, and in what manner?’

In the course of his investigation of these questions, Todorov establishes a series of distinctions not accounted for in his previous essay. Firstly, he distinguishes between signification and symbolisation:

‘Signified facts are understood: all that is required is to understand the language in which the text is written. Symbolised facts are *interpreted*; and interpretations vary from subject to subject . . . Having constructed the events constituting a story, we engage in a work of reinterpretation enabling us to construct, on the one hand the characters, and on the other hand the system of ideas and values underlying the text [ie something like Branigan’s represented ideology]. This reinterpretation is not arbitrary, but it is controlled by two sets of constraints. The first set is contained within the text itself: all that is required is that the author teaches us for a certain amount of time to interpret the events evoked [through the use of repetitions and other forms of redundancy]. The second series of constraints comes from the cultural context: if we read that someone has cut up his wife into little pieces, we do not need any indications in the text that he is cruel [or in 8½, we don’t need to be told that Guido is a great imaginative artist]. These cultural constraints, which are nothing but the commonplaces of a society (its verisimilitude), change with time.’

In this way, Todorov makes provision for the insertion of texts into history via the way they are read: symbolisation, an essential aspect of reading, is subject to existing models of reading, sets of expectations, automatisms, etc. Readings are subject to doxa, defined by Roland Barthes as:

‘Public Opinion, the mind of the majority, petty-bourgeois Consensus, the Voice of Nature, the Violence of Prejudice. We can call . . . a *doxology* any way of speaking adapted to appearance, to opinion, or to practice.’¹¹

In short, symbolisation is an ideological operation. Todorov then goes on to make a further distinction:

‘Characters, ideas: these types of elements are symbolised through actions; but they can also be signified . . . The character thus constituted must be distinguished from the person: all persons

11 *Roland Barthes by Roland Barthes*, trans by R Howard, Hill & Wang, New York 1977.

do not have a character. The person is a segment of the spatio-temporal universe represented, nothing more; there is a person from the moment a referencing linguistic form (a name, certain nominal syntagms, personal pronouns) appears in the text in relation to an anthropomorphous being: someone is identified without being described . . . But as soon as psychological determination emerges, the person is transformed into a character: he acts thus *because* . . . Character then can also be an effect of reading: there is a psychologising reading to which every text can be submitted.'

This appears to be what happens in Branigan's essay: Oshima's film is subjected to a psychologising reading. The only difference between Branigan's reading and traditional psychologising readings is that while most critics condemn inconsistency in character construction, Branigan values this positively.

The person, also sometimes called an actant (eg in the work of Greimas), corresponds to the subject of the enunciation, to that which is constructed and put into place by what Jaksonson calls shifters (I/You, here/there, verbal tenses, etc). It is through symbolisation that subject positions become meaningful, that 'I' is constructed and placed in relation to others, as different from others. This type of formal analysis opens the way to a thinking of the articulation between the subjects of enunciations and subjects in ideology, although Todorov sidesteps that issue, seeking refuge in the dubious realm of psycho-sociology and/or navel-gazing: 'one of the difficulties of the study of reading stems from the fact that it is not easy to scrutinise it: introspection is unreliable, psycho-sociological investigation is cumbersome'. But now, although a theory of the subject as constructed by/through the incidence of different discourses upon each other, some proffered by the text others always braided through it, seems just around the corner, formalism re-establishes its dominance, again severing reading from social practice. Having established that there is an element of historical determination in reading, Todorov once more lapses into a reliance on the model of communication theory, stating that 'texts' force readings upon us and that these readings will be referentially coherent or indeterminate:¹²

'The modern novel forces us into a different reading: the text is indeed referential, but construction [of a coherent fiction] doesn't take place, because in a way it is undecidable . . . For instance, we saw that the identity of the person was founded on the identity and unambiguity of the name. Let us now imagine that in a text the same person is successively evoked by means of different names . . . at one time as "the man with black hair" and at another as "the

12 Todorov uses the term *indécidable*, literally: undecidable, referring to a theoretical concept introduced by Jacques Derrida.

54 man with blue eyes" . . . this would represent a shift from the mis-recognised to the unknowable. This modern literary practice has its counterpoint outside literature: in the schizophrenic discourse.'

The analogy with Branigan's analysis of Motoki and Yasuko in Oshima's film is evident, as is the echo of 'the schizophrenic discourse' in Branigan's notion of critical self-examination, the character doubling back on itself. But this undecidability is not absolute. The construction of a coherent fiction with characters, firm and fixed identities, with the concomitant authorial characters as subjects of the fictional discourse, has become more than just impossible in the so-called modern text: it has become literally impertinent. The problem of discourse construction has itself been shifted onto another terrain, one where the sender/message/receiver model no longer operates as the criterion by which particular texts are judged to be 'conventional' or 'transgressive'. Oshima's text is not the 'other' side, the simple transgression of the type of discourse represented by Fellini's banal and crude stereotype of 'artistic production', it partakes of a radically different ideological space, a space where coherent unities are evoked only to be exploded (rather than reconstituted in terms of a schizoid split of self-criticism, through the psychopathology of a given character) and where subjects are constructed and placed on the trace of a plurality in intersecting discourses. There are two options: Oshima's text will be either 'impossible', the negative of Fellini, incomprehensible (this is Branigan's) or will require the activation of the extra-textual, that is to say the historically determined ideological configurations within which the textual signifiers are embedded and by which they are placed in history. Oshima's film thus poses the question of the construction of subjectivity through practice in history. Or better, it allows this question to be posed more readily than others.

Branigan's construction of Oshima's film is such a practice in history and therefore derives its significance, its specific difference, from its relation to other critical discourses, from the type of reading it attacks, displaces, re-inforces, etc. It is in this context that the comparison/contrast between Oshima's film and Fellini's and the method of analysis must be assessed. What is at stake in Branigan's article is an attempt to break out of the confines of a formal(ist) type of analysis currently threatening to become dominant in certain academic institutions (hence the necessity to contrast Fellini and Oshima) while remaining within the terms of reference, within the theoretical problematic, of that very type of analysis (hence the element of 'comparison'). Although recognising that Oshima's film cannot be thought in the same terms as Fellini's, Branigan nevertheless proceeds to do precisely that, with the consequence that the terms of the argument are constantly undermined. Acknowledging that the notion of 'character' is exploded in Oshima's film,

Branigan still talks of 'two different forms of the *same character*' (my italics). Assertions of difference rely on unthought operations of reading equally relevant to both texts, thus undermining that very assertion: 'A more complete analysis of Yasuko's position would reveal the ideology which locates women in society'. In fact, a feminist reading, ie an historically and politically determined reading of the position of any woman or man in any film, including 8½, will 'reveal' this ideology. There is also the statement that both films under consideration 'portray the making of a film within a system of production' while it is precisely the very notion of the autonomous 'maker' that the text denies. Moreover, a 'Marxist collective' is hardly a system of production in the way that a studio is. Indeed, Guido is inserted in a system of production with a studio, producers, etc, while Motoki, or, at any rate, the subject of the testament film, operates as a home movie-maker. The trouble being that there appears to be no connection between the private home movie and the politico-ideological work of the collective. Oshima's film can be seen as addressing itself to the articulation of individual discursive practices with politico-ideological practices and as doing this through the activation and problematisation of the processes of cinematic enunciation and of the dramatisation of vision.¹³ Fellini's film merely regurgitates the 'problem' of being a great artist in an industrialised country. The two films have nothing in common other than that both are part of the cinema as an institution.

By locating Oshima on the same terrain as Fellini and referencing this difference to the same set of criteria, of concepts, Branigan is indeed, although indirectly, highlighting a specific and crucial problem of the social practice of cinema: films are read unpredictably, they can be pulled into more or less any ideological space, they can be mobilised for diverse and even contradictory critical projects. All that textual strategies can achieve by themselves is at best to activate 'forgotten' or problematic areas of that space, activating dormant, repressed contradictions within it. This also means that the activity of the text must be thought in terms of which set of discourses it encounters in any particular set of circumstances and how this encounter may re-structure both the productivity of the text *and* the discourses with which it combines to form an inter-textual field which is always in ideology, in history. Some texts can be more or less recalcitrant if pulled into a particular field, while others can be fitted comfortably into it. Descriptive analyses tabulating formal devices and procedures (eg the con-

13 See Stephen Heath, 'Anata Mo', in *Screen* v 17 n 4, 1976/7. In this essay, Stephen Heath makes a number of points about Oshima's *Death by Hanging*, clearly suggesting that *The Story of a Man Who Left His Will on Film* can be seen as extending and re-focusing the strategies outlined in the earlier film, but more specifically so in terms of cinematic representation.

56 struction of spaces in Ozu's films, the tracing of POVs in Oshima's films, etc) and conclusions drawn from such descriptions regarding modes of address, modes of representation, conventions, etc are a necessary though limited and preparatory task in an attempt to locate readings/texts in history. This can be seen most clearly in the work of Branigan's colleagues, Kristin Thompson and David Bordwell, when they argue that Ozu's films in some sense represent a modernist practice. Their description of spatial structures in Ozu's films is perceptive and detailed, clearly demonstrating that there are other forms of spatio-temporal narrative construction than the ones we have got used to in Hollywood cinema. But to use this descriptive account as a basis for claiming Ozu's cinema for 'modernism' is reminiscent of the cubist and surrealist claims that, for example, African tribal sculpture was 'modernist'.

As J L Anderson has pointed out, Ozu's films:

'partake of the style of the Shochiku studio of the period. Shimazu, a contemporary of Ozu at Shochiku, used a similar spatial style. While this studio style seems to the Westerners to create space "outside" the narrative, it relates to . . . a long Japanese tradition of spatial techniques which, once again, coincides with techniques employed by contemporary Western artists. Both aesthetics consider space as an element separate from the narrative space inhabited by characters. Inagaki and Ozu are dissimilar directors whose work converges only in regard to this use of space. This technique can be seen not only in the work of film-makers but also in scroll paintings, kabuki theatre and even music.'¹⁴

Anderson also makes the point that the notion of the 'well-made' plot 'has little relevance in Japan. There the emphasis is primarily on separate units and their juxtaposition.' Kristin Thompson argues the claim of Ozu's alleged modernism 'on the basis of *his* [my italics] creation of a spatial system that challenges the supremacy of narrative without completely rejecting narrative itself' and that 'Ozu sidesteps the classical continuity style; the unique system *he* [my italics] created presents an alternative to, not a critique of the pervasive Hollywood approach.'¹⁵ However, if this is the case, Ozu's films cannot be claimed as modernist, since the point about modernism is precisely that it is a *critique* of, not a neutral alternative to dominant aesthetic practices. If Mitchell Leisen or Henry King had made a film with spatial structures similar to Ozu's, then, perhaps, those aspects of their films might be called 'modernist'. That Kurosawa adopted some elements of John Ford's cinema might give some credibility to the argument that he is a Japanese modernist, if it weren't for the fact that these elements were read, in

14 J L Anderson, 'The Space in Between: American Criticism and Japanese Films', in *Wide Angle*, v 1 n 4.

15 Kristin Thompson, 'Notes on the Spatial System of Ozu's Early Films', in *Wide Angle*, v 1 n 4.

Japan, as crude Western imports.

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The point is that nearly all Japanese films can be said to be modernist in some way or other if tested against the Hollywood norm (itself the result of a specific critical production): acting styles in Japanese films are radically different due to different relationships between the body and the sign, themselves founded on the way various Japanese practices structure the inside/outside opposition in the context of the plurality of codes regulating inter- and intra-class relations throughout Japanese history. Moreover, these different levels of signifying practices, encompassing the elements of eg Hollywood cinema introduced into Japanese cinema/TV, stand in a dialectical relation to each other. All the extra-filmic discourses current in a given time/place help place Ozu's films as precisely Japanese classics. Japanese readings have always recognised the systematic set of differences pointed out by Thompson and Bordwell, but located them as a form of traditionalism. This is not to say that the structural codes isolated and described in the conscientious formalist studies of the above-mentioned authors do not exist or do not produce effects, but that codes always operate within ideological configurations which not only assign them a large part of their 'signified', but also determine their location in ideological practice. In this sense, the claim that Ozu is a modernist merely and exclusively on the basis of a set of systematic differences from the Hollywood norm produces amongst other things the signified: cultural imperialism. Branigan's 'troubled' formalism at any rate opens up contradictions within academic formalism, which is the way the impetus of semiology, challenging impressionist subjectivism and other sets of discourses blocking film criticism and theory for decades, has been defused and re-integrated into the dominant educational doxa. As such, Branigan's article constitutes an advance on previous formalist studies published in *Screen*. Peter Wollen's remark that the question of the effectiveness of works of art is a function of the mode of reading, not of the text itself, perhaps needs some amplification: a 'progressive reading' is not one that attributes 'progressive meanings' to a given text, but a reading that attacks or displaces other readings which function as blockages in the struggle to bring about changes in the social formation. In this sense, the accuracy, the precision of a reading is always conditional upon a recognition of its place and effects within a given (fragment of the) socio-historical conjuncture. The production of readings, and hence of criticism and theory, is always a more or less well calculated intervention in the 'battle of ideas', in the ideological formation which provides the battleground'.

IV.1

As individuals are born into a reality which not only pre-exists them, but which is also already made up of existing representations (that

58 being precisely the difference between reality and the real), it is by working on and in representation, in and on signifying systems, that subjects are produced in the place of support for them. It is the consideration of this work of production that requires communication to be thought as a signifying practice, ie the articulation of subjectivity and symbolisation. Furthermore, Rosalind Coward notes: 'Identifications are necessary for the subject to represent him or herself in a system of difference which is learned language', and she goes on to stress the necessity of 'positionality in language, a constituted subjectivity which will determine the production of an articulation in a signifying practice.'¹⁶ The way in which a subject finds itself a place in symbolisation constitutes the construction of the ego. This construction takes place by way of identifications, ie 'the transformation that takes place in the subject when he assumes an image'.¹⁷ In this way, the mirror phase, which occurs before the child has found its place in symbolic relations, inaugurates the setting into place of 1. an ideal ego, 'another self which characterises all later identifications, . . . a projection in which apparent unity the subject misrecognises itself', and 2. 'the ego-ideal, a function by which that image of ideal unity is restored to the subject *after* (my italics) the entry into language'.¹⁸ In other words, communication is not a matter of some individual, using signs to send messages to a receiver. A signifying practice involves two necessarily complementary and simultaneous moments: a subject can intend meaning only insofar as it produces itself as its support. To extend the metaphoric language of mirrors and images, the 'author' constructs his or her subjectivity and its position, his or her ego-ideal via the text, as does the reader, with the difference that the reader's productivity is subject to a further set of constraints of which the 'finished' text (the book, film, etc) is one. The author, by definition, cannot be embedded in an inter-textual space which already contains the set of discourses constituting the 'finished work'. What the text produces is a set of signifiers installing a subject for it, ie the subject of the enunciation which is always put into place and thus produced by any utterance. Moreover, partly as a result of the work of Russian and Czech formalists, it has been established that each statement, each text is in fact a network of intersecting and overlapping statements: quotations, references, derivations, inversions, etc. A text, any text, consists of a bundle of discourses, each discourse installing its subject of enunciation. This also means that it is misleading to describe a text as a signifying chain, ie *one* discursive operation corresponding to

16 Rosalind Coward, 'Lacan and Signification', in *Edinburgh '76 Magazine* n 1 p 9.

17 Jacques Lacan, *Ecrits: A Selection*, transl by A Sheridan, London 1977 p 2.

18 R Coward, op cit p 16.

one subject-production. As texts are imbrications of discourses, they must necessarily produce series of subject positions. But these subjects can be (and are) mapped onto each other, pulled into place 1. by a unifying identificatory projection: the production of an ego-ideal, the text allowing – and to some extent being designed for – the production of a subject-image; and 2. by the unifying work of ideologies which fix images and places of viewing in sociality, grounding subjects in imaginary unities from which purposeful and directed action becomes possible.

IV.2

The above allows the reformulation of the traditional model of communication, which is no longer a transmission of A's message to B under determinate conditions, but a discourse putting into place, simultaneously and as necessary correlates of each other, an 'I' and a 'You'. Both poles thus constructed by and included in the process of signification are actants according to the definition of Julia Kristeva: 'An actant is nothing but the discourse it assumes and through which it is designated'.¹⁹ This is merely an abstract theoretical model. In fact, signifying practices always work with a plurality of discourses, and a given practice always includes at least one (but usually more than one) discourse about the interrelation of discourses, about the way in which various subjects of enunciations relate to each other: overlap, identity, contradiction, etc.

Authors as producers of discourses thus anchor in the very act of elaborating a text, of working in signification, two sets of signifiers, one which Todorov called the image of the author and the other that of the reader, on the understanding that each image, each stand-in, is already an amalgam of different subject positions. But the (self) image thus constructed never coincides with the subject's sense of identity, because, in the words of Lacan, the subject 'ends up by recognising that this being has never been anything more than his construct in the imaginary and that this construct disappoints all his certainties. For in this labour which he undertakes to reconstruct *for another*, he rediscovers the fundamental alienation that makes him construct it *like another*, and which has always destined it to be taken from him *by another*'.²⁰ An apt formulation of one discursive problematic underpinning Oshima's film (others being its location in history and its articulation of these problematics via the cinematic institution). So there is always a discrepancy, or more accurately, a disphasure, an oscillation of presence/absence, recognition/difference between the author as historical subject and the image of the author as inscribed subject. A triple alienation, in fact, because 1. the ego-ideal with which the

19 Julia Kristeva, *Le Texte du Roman*, The Hague 1970.

20 J Lacan, op cit p 42.

60 authorial image is supposed to overlap – always unsuccessfully – is itself the image of an 'other', and 2. the authorial image returned by readers is a function in *their* process of subject construction and *their* circulation of projections and identifications. This in spite of the strategies deployed in texts to pin down the reader in places he or she is 'supposed' to occupy. Readers are never there where the author imagines them: Eco's gamble is a sucker's game. This perpetual being out-of-phase is no doubt one reason why authors are subjected to a compulsion to repeat the work of text-construction, in pursuit of more satisfactory mirages, more adequate convergences of images constituting them as authors, until finally the 'totality' of the 'body of work' produces, by super-imposing many 'partial images', a full 'image', an imaginary body of the author.

V.1

The social formation that puts into place the circuit producer-product-consumer, privileges the 'first', the producer, defining consumers as those who do not produce at all. The unequal competition between buyers and sellers (where sellers are the producers or their agents) resulting in marketable value also determines the privileging of 'producers' of saleable items. The sums such producers/sellers are paid for 'their' products is itself no mean stimulus for repeating the work of text-production. But in the conjunction of the two stimuli, one economic, the other narcissistic, there is room for the emergence of a new animal: the successful artist, the 'author' as commodity. Such an 'author' must be produced via the mediation of journalists and critics committed to/embedded in the traditional production/consumption ideologies: they too must privilege or at least pay lip-service to the production of authors. In the same way that the subject of the text is already a unified image of the subjects of the discourses organised in the text, this unified authorial image can be reinforced by overlapping, superimposing authorial images into a larger unity: the author of a body of work as a palimpsest of authorial images. This is precisely the object the *auteur* theory took over from the literary ideologies and to which structural author-analyses addressed themselves, although from within a different set of discourses than journalistic celebrations of personalities. But the production of such an author/artist, it must be stressed, requires at least the active complicity of journalists and/or critics who set out to find and to identify the 'responsible organisers' of the text, instituting them as the well-spring, the source of value. In the cinema, this has not always been the director. On the contrary, studios and stars have tended to occupy this place, necessitating a struggle within the dominant ideologies for the recognition of cinema as a signifying practice, opening up problems of 'how to read texts'. Hence the – tem-

It is the conjunction of subjects constructed in/through discourse and capitalist relations of production which results in the notion of the author as we have come to know it. A whole series of texts have been (and still are) produced emphasising in various ways the construction of an authorial image, mainly but not exclusively via the emphatic inscription of signifiers marking subject positions, eg the emphatic inscription of infringements of an alleged norm, stylistic 'supplements', in short, the whole panoply of devices which characterise 'Art cinema'. The one condition is that such descriptions must be attributable to a single outside source, a unifying origin: the author. A particularly blatant example of such a practice can be seen in Fellini's *8½*, as Branigan's analysis clearly shows. Not only does *8½* set up a particularly authorial relation between Guido and the film-within-the-film, producing Guido as Artist according to the most banal clichés of neo-romanticism, it further sets up a series of marks around Guido referring to an organising subject anterior to the film as a whole, whose relation to the film is thus produced as one analogous to Guido's relation to the internal film. This constitutes a double production of Fellini as Artist, if *8½* is read through the presently dominant models of reading. And indeed, *8½* fits these models so well that it would become a seriously recalcitrant text if pulled into any other ideological field. Similar strategies of self-production as Artist dominate the texts signed by Ken Russell, Robert Altman and others. Their films differ from *8½* only in so far as they are embedded in and determined by different sets of discourses, different historico-ideological formations, the unifying strategy underpinning them is identical. But regardless of the wish particular individuals may have to constitute themselves as artistic values, ie as saleable items, guaranteed sources of a creativity that could be quoted on a stockmarket dealing in creativity-shares, it is the mode of reading which consecrates the author. It is here that we must locate the activity of the critic/journalist supplying a consumer's guide and peddling notions of individual creativity in the process. This is not merely a matter of blind servility: it is also a matter of self-interest, for critics/journalists work in the same social formations as the Artists, only in a different place. They too depend for their livelihood on an over-inscription of themselves as witty, cultured, intelligent, ordinary stars. In the art-business and in the institutions upon which it impinges (universities, government departments, etc) individuality, ie personality, is a saleable item. That directors, critics, novelists, TV-presenters, academics, etc should attempt overwhelmingly and repetitiously to re-produce the marks of their individuality, while never in any way threatening the security and fixity of readers' positions in relation to the texts produced, constitutes a sound commercial strategy. It is thus no accident, nor stupidity, nor Machiavellian cunning,

62 that reviewers should consecrate Fellini, Altman and Co as Artists. Indeed, in this respect it matters little what reviewers say or write, all that needs to be achieved is the general, overall legitimisation of strategies of self-promotion by acclaiming this to be the true hallmark of a 'strong individual personality'. I would like to emphasise that this excludes any shadow of conspiracy theories as to the relation between Artists and journalists/critics/academics etc. They are merely attempting to satisfy narcissistic and economic needs while upholding the currently dominant mode of production which engendered the possibility of that particular mode of multiple gratification in the first place. Robert Altman, in a recent interview in *Time Out* (no 334) clearly recognised the mechanism, although obviously unaware of its implications:

'The critics give us an importance . . . Although what they write doesn't really mean much, their presence does. Without them I wouldn't be sitting here because, on the basis of my track record, I'm a failure. But these guys who put up the money remain impressed! So, paradoxically, I have been sustained by the critics. I think it's phenomenal.'

The only paradox being that in the Hollywood in which Altman works, the guys who put up the money appear to allow ideological interests to dominate over economic ones, at least in the short term. Of course, the complicity between those who stand to gain, narcissistically and materially, from the privilege accorded to the 'producer', can break down: there are contradictions and squabbles regarding the authorial images subjects wish/think were produced in their textual practice. But such diversions needn't detain us. The main point I wanted to make in this section is that it is the mode of reading which determines the construction of the art-cinema as a genre. As different readings are produced, so artists change, or, hopefully, disappear altogether. Similarly, as the presently dominant discourses are displaced, so will Art-cinema change and disappear, together with the type of films 'betting' on being read as Art.

V.2

The place in the text where subject production is determined is that of the reader, on the understanding that the 'authors' also produce themselves as they read the traces, the signifiers of their presence in the text. The reader constructs the author as the other of the image he or she recognises or accepts as his or hers in relation to the text. As the inscribed reader like the inscribed author is itself already an imaginary²¹ unity, a mapping onto each other of

21 It may be necessary in this context to emphasise that no appeal is being made to the early Althusserian equation between ideology and

different You's produced by the plurality of discourses that constitutes the text, the construction of that unity will differ according to the discourses (knowledge, prejudices, resistances, etc) brought to bear by given readers on that place. It is in this sense that inscribed subject positions are never hermetically sealed into a text, but are always positions in ideologies. Texts can restrict readings (offer resistances), they can't determine them. They can hinder the productivity of the plurality of discourses at play in them, they can emphasise certain discourses as opposed to others (through repetition or other 'foregrounding' devices). But each of the participants in a textual practice may construct a reader and an author (an action which is itself part of a specific ideological project: the construction of individuality) on the basis of a unification of actants and their amplification, their psychologisation into a fully constituted reader/author. It is the play of permutations, cross identifications, projections and splits between the positions of author and reader outlined above, where each is also the producer of the other across the text in two separate productions of/within the same set of signifiers – the text – which institutes as its point of unity, the Subject of the film. This subject is then its impersonal and anonymous point of origin, the place where everything coheres, in turn ejecting both reader and author out of that place, allowing them to become 'objective' witnesses and commentators on it. This is one option for those who search for 'points of coherence' while rejecting the traditional romantic view of artistic subjectivity. One thus 'objectively' recognises his or her mirror image as author, the other accepts or rejects his or her mirror image, according to the degree of 'recognition' involved. At this point, the paranoid game of attributing to the 'other' what the 'I' is unwilling to assume starts all over again.²² But even this Subject, at its most abstract and impersonal, is itself in history: the discourses regulating the paranoid game, determining the terms of its play, change according to the relation of forces of competing discourses intersecting in the place of the subject-in-history, the individual's location in ideology at a particular moment and place in the social

the imaginary. In fact, there is no 'pure' imaginary to be opposed to the symbolic (or in Althusserian terms: science). Both instances always necessarily co-exist in a relation of mutual pre-supposition, in the same sense that language and speech co-exist in a necessary simultaneity in each utterance. Discourse is a formation at the intersection of the symbolic and the imaginary, in the sense that it marks the figure of their incidence on/in each other. In so far as discursive subject positions can be mapped onto each other producing an imaginary unity analogous to the unification of the body in pieces in the specular ego, this means that an imaginary unity is 'contradictory' to the extent that it is marked by the symbolic. As all ideologies are such contradictory unities, there is no question of opposing ideology to the symbolic. Quite the contrary.

22 See Paul Willeman, 'Pursued: The Fugitive Subject', in *Raoul Walsh*, ed Phil Hardy, Edinburgh 1974.

- 64 formation. As Stephen Heath pointed out in a text I quoted earlier, it is not 'that there is first of all the construction of the subject for social/ideological formations and then the placing of that constructed subject-support in those formations, it is that the two processes are one, in a kind of necessary simultaneity – like the recto and verso of a piece of paper . . . The individual is always entering, emerging, as subject in language at the point of individual/social articulation (the process *together* in which "a sign represents something for someone" and "a signifier represents a subject for another signifier").'²³

VI.1

As argued above, any given enunciation always comprises a multiplicity of discourses and, therefore, a multiplicity of subjects, a multiplicity of I's and You's. The pulling together of these subjects into a unified subject is brought about firstly by strategies such as the production of characters, the hierarchisation of discourses,²⁴ the affixing of a signature, etc and secondly by the reader's production of subjectivity via the text. As the subjectivity of real readers, their mode of apprehending reality, is also a production involving a plurality of discourses (from the production of the subject in infancy, the emergence in language, up to the multiple sets of discourses encountered passively and actively throughout its life), the place of the inscribed reader is always the terrain where the subject as a discursive figure meets and interacts with the plural discourse of the text, ie the encounter of pluralities. Eco's bet on the way a text will be read is a bet on the way intended/imagined readers have been constructed as subjects. The range of discourses at their disposal being precisely those discourses which produced them, except perhaps those whose effectivity has been repressed but which still work 'across' the conscious and/or pre-conscious ones. This proviso is made only because it is not quite accurate to say that unconscious discourses are at the 'disposal' of subjects.

These remarks carry some implications for the theory of ideology. An increasingly accepted definition of ideology is that it is a system of representations. However, insofar as systems of representations involve the production of subjects in determinate places, they are always manifested in terms of signifying practices. Moreover, as such practices occur within institutions (the family, educational institutions, sports organisations, unions, the media, etc), one can say that ideology insists in discursive formations and that its mode of existence is institutional. The 'single' discourse, the single signifying chain producing a subject is a theoretical fiction.

23 Stephen Heath, 'Screen Images, Film Memory', op cit p 40.

24 Colin McCabe, 'Realism and the Cinema: Notes on some Brechtian Theses', in *Screen* v 15 n 2.

Discursive formations are imaginary unities, sites where disparate discourses cohere to produce a subject held to the coherence thus produced. The mode of coherence of the discursive formation, the way its subjects are pulled into a coherence, mapped onto each other, is then an ideology. The production of coherences is the function of institutions.

It follows that ideologies organise contradictions, oppositions, etc, through institutions. In short, they organise heterogeneity into an imaginary homogeneity, instituting subjects as the field holding this heterogeneity, cementing it. One example of such an ideology is for instance the legal ideology. On the one hand, law, and the legal ideology, addresses individuals, refusing to recognise classes, while on the other hand it operates in the name of 'the public' against individuals. In other words, it sets up individuals in order to act against them. It simultaneously atomises and produces the fiction of unity, the 'public'. A second contradiction in the legal ideology is that its very ruling-out of class struggle serves the class struggle of the bourgeoisie. The legal ideology is then the specific set of discourses produced by/in determinate institutions which holds subjects to the 'contradictory unity', producing 'the legal subject'. A second example is 'Griersonism'. Griersonism is a set of discourses, organised under the dominance of a realist ideology (itself organising separation/identity, reflection/transparency), pulling together a notion of technicist neutrality – the apparatus as neutral recording instruments, relating to cinema as a neutral educational technology – and cinematic specificity, ie the production of specifically cinematic texts, films as art. Obviously, Griersonism also organises a wide variety of other discourses, as shown in Jim Hillier and Alan Lovell's book *Studies in Documentary*.²⁵

Ideologies then exist on many different levels, from the ideology specific to an individual (ie the organisation of ideologies with a specific coherence characteristic of an individual) via the ideology represented by a book as a specific object, a film, painting, etc to the – in our social formation – highest level of integration: bourgeois ideology. At this point, the level of integration is so tenuously abstract that it loses all its force, all ability to mark differences, and thus operates as a term blocking knowledge of ideologies, becoming part of dogmatism and anti-intellectualism. This latter point indicates also that given discourses can and almost always do form part of various different ideologies, that is to say, a given discourse can combine with diverse sets of discourses to produce different ideologies.

Institutions (social groupings whose coherence is determined by rituals, procedures, legal or journalistic definitions, constitutions, and so on – that is to say: by other discursive formations) function as machines freezing or producing specific unequal relations of

25 Secker and Warburg 1972.

66 force between ideologies, organising them into determinate balances of force. But although they organise domination and repression, the very plurality of discourses to be organised and the plurality of institutions impinging upon each other guarantee that institutions change or disappear. For instance, a change in personnel and/or alteration in the precariously held balance of forces between sets of discourses or between institutions (themselves held in encompassing institutions), can decisively affect the operation of that institution, the point where it may cease functioning or where it may have to be replaced by another institution.

Another point worth emphasising is that in its history the individual subject encounters ideologies at various levels and in various ways. When encountering a specific ideology one does not necessarily encounter its full range of discourses nor does one encounter all of its discourses with equal force. According to the balance of forces within the institution where a subject encounters, say, Academicism, that subject may never encounter the Todorovian formalist component discourses of that ideology on the terrain of the 'human sciences'. Moreover, in certain ideological formations, the actualisation or the strengthening of eg formalist ideologies may well produce shifts in balances of power conducive to the type of change one seeks to accomplish in a given set of discourses and thus, in the longer term, in the social formation. The effectivity of such changes and the direction(s) in which the balance of forces is altered will depend on the specific configuration of discourses within which interventions are made. Decisions regarding such interventions need to be made on the basis of an analysis of the given ideological formation (or sub-formation), the state of the balance of forces in the area of intervention, the identification of weaknesses in the cohesion of these contradictory unities, etc. The reference above to an example of auteurism is an excellent instance of such an ideological intervention: although deeply implicated in individualism and theology, auteurism was – and in some cases still is – able to help displace or discredit the particularly stultifying ideologies of individual taste and the entire subjective impressionist edifice.

VI.2

The next, rather vexed questions are: What organises the distribution of ideologies? Which forces determine the production of ideological formations and how?

From what I have said above, it is clear that ideologies do not require particular classes (however defined) as their expressive subjects. On the contrary, the production of a class as an expressive subject is a variety of a particular idealist ideology. Individuals do have different relations to sets of discourses in that their position in the social formation, their positioning in the real, will determine

which sets of discourses a given subject is likely to encounter and in which ways it will do so. In other words, this position will determine which discursive formations are likely to combine and produce given individuals as subjects in ideology. For example, the function of the educational apparatus and its manifold institutions is not merely to train certain people for, or keep others from, specific jobs. It also has a more elaborate function: the control of the discourses through which subjects are to be constituted. This control is never total: unpredicted discourses always threaten that control and are therefore censored with various degrees of severity: subjects produced by the intersection/overlap of 'undesirable' or otherwise 'obstructive' discourses can be relegated to special institutions, thus separating these subjects from the 'main body'. Educational institutions can thus be seen as making sure that a specific set of discourses is activated in relation to students, while others are marginalised or declared out of bounds. In this light, such institutions can be assessed according to their ability to anchor subjects in determinate restricted discursive formations, ensuring that the subject-production of 'rebels' will also determine the boundaries within which that rebellion will be played out, together with the specific forms such rebellion may take: whether it is likely to affect the basic structures of a social formation, or whether it will dissipate its energy in censored-but-tolerated marginalities.

In this way, the 'concrete experience' of the individual, determined by his or her place in the relations of production, his or her place in the real, will determine in its turn to a large extent which institutions, which discursive regimes, etc he or she will encounter and in what order. Obviously, such a mode of determination is not fool-proof. A given subject can thus be produced within eg the family in such a way that it will engage with other sets of discourses in apparently unpredictable ways. It is precisely such instances of subject-production to which psychoanalytic practice addresses itself.

In order for there to be a specific class ideology, this must be produced for/in a class struggle by an institution defining itself as a class (or as a party/institution acting in the name and with the support of a large group of people sharing certain positions in the relations of production) against specific institutions (other class institutions, the state, parties, etc). Furthermore subjects thus produced in class positions may well, at one and the same time, be involved in, positioned by other ideologies, including some forged in the struggle against them by their opponents.

Having recognised the determining power of the real, it is equally necessary to recognise that the real is never in its place, to borrow a phrase from Lacan, in that it is always and only grasped as reality, that is to say, through discourse. This means that there is a dialectic, a relation between these modes of determination: the

- 68 real determines to a large extent the encounter of/with discourses, while these encounters structure, produce reality, and consequently in their turn affect the subject's trajectory through the real. It is in this area that the answer to Althusser's notoriously vague formulation of the 'relative autonomy' of the ideological may be specified in terms of the articulation through history between subjects in the real and subjects in ideology.

VI.3

Ideological struggle would then involve two necessarily simultaneous moments:

1—the undermining, displacing of specific ideological configurations and/or discourses within them, in order to change determinate discursive regimes, to change the balance of forces within institutions, within ideologies; and

2—the production or the supporting of other sets of discourses, other subject productions in ideology, other imaginary unities which will allow or contribute to the political project (itself an imaginary unity) presiding over the struggle. Indeed, unified subject positions and institutions holding subjects to specific sets of discourses in determinate hierarchies such as parties and party programmes, are a fundamental prerequisite for the production of social change.

The dangers of not conducting both operations at the same time, in a dialectical movement, are all too familiar. Starting from a position of intervention against discourses which dominate particular institutions and which need to be attacked and displaced, through ideological struggle, it sometimes becomes all too tempting to adopt, as an essentialist dogma, a strategy of attack against all forms of 'imaginary' unity, thus condemning oneself to a romantic-anarchist project of eternal and universal subversion/transgression. At the same time, such a 'radical' project opens wide the door to the most suspect academicist practices: the perpetual 'dispersal', subversion etc of other discourses being precisely an extremely useful and widely practised strategy for the establishing of 'reputations' which in no way hinder careerist tendencies.

The second major danger, connected with the privileging of the second moment of the dialectic, is perhaps more familiar in this country. The construction of imaginary unities, founded on a programmatically organised set of discourses (slogans, editorials, policy statements, etc), necessary as this may be for political struggle, constantly evokes the possibility of 'forgetting' that such institutions are riddled with contradictions. For instance, the production of the belief that a class in the political sense of the term is an essential given, unilaterally and exclusively determined

by positionality in the real. In the context of idealist ideologies and economist politics, this is necessarily accompanied by the notion that a class constitutes an expressive subject, sole source of a particular, specific and as it were organic ideology. Positionality in the real does indeed affect subject production in ideology, as I pointed out earlier. But positionality in discursive formations (eg reality) and in the real are two different things which must be thought together in a dialectical movement of mutual determination.

Ben Brewster and Elizabeth Cowie write:

We wish to express our reservations as to some of Paul Willemsen's formulations in his reply to Edward Branigan, particularly those in Section VI.2. He employs the psychoanalytic distinction between 'the real' and 'reality', which has been expounded in Screen by Stephen Heath in 'Anata mo' (v 17 n 4), but links it to the question of the relations between discursive formations and the relations of production. The danger is that reality will be assigned to the former, the real to the latter, reproducing the now surely discredited notion of ideology as the misleading phenomenal form of the real movement of the relations of production. The problem is not just that this position is difficult to sustain theoretically, but also that insofar as it answers a demand – for the reconciliation of two discourses: that of psychoanalysis and that of historical materialism – it does so in such a way that each reduces the effectivity of the other rather than the combination being productive for either.



Schools and Conferences April-July 1978

For the information of our readers we are publishing this list of schools and conferences which we think will be of interest. It is not a comprehensive list; other schools are being planned but dates have not yet been finalised. SEFT events are usually advertised in *Time Out* and the *Times Educational Supplement*. Detailed information and booking forms are available about four to six weeks before each event.

- | | |
|----------------|--|
| May 6-7 | <i>The Camera Obscura Collective on Feminism, Fiction and the Avant-Garde</i> , at the London Film makers' Co-op, London |
| May 12-14 | <i>Melodrama</i> , Newcastle, NEFTTA |
| May 13-14 | <i>Practical film-making and animation</i> , NEFTTA, Newcastle |
| May 20 | Avant-Garde and Narrative (2), SEFT in conjunction with London Film makers' Co-op, London |
| June 3 | <i>Practical film-making and animation</i> , NEFTTA, Newcastle |
| June 2-4 | <i>Ideology, Discourse, Institution</i> , SEFT, London |
| July 1 | <i>Film and Television Teaching Practice</i> , SEFT, London |
| July 29-Aug 12 | Summer School, <i>Film-Audience</i> , Educational Advisory Service, BFI |

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Medvedkin: Investigation of a Citizen Above Suspicion*

Stephen Crofts and Masha Enzensberger

Medvedkin's *Happiness* has had a remarkable career. Released in 1935, it was withdrawn the same year. In some thirty years it was mentioned by only one film historian – Leyda, who was in Moscow in 1935. Then in 1971 it was 'discovered' and acclaimed as a forgotten masterpiece in France and widely screened throughout Western and Eastern Europe. Outlining this bald chronology here points to three conjunctures: that of the Soviet suppression of the film in 1935 – with the consequent absence of information about Medvedkin's career – that of the French resurrection of the film in 1971 and that of the film's current significance for us, a significance necessarily different from that accorded to the film and its director in France some seven years ago. Full analysis of the moments of suppression and resurrection, as of Medvedkin's career as a filmmaker, is thwarted by scant information and a severe shortage of the films concerned: only *Happiness* is in distribution in this country. The following notes are therefore necessarily provisional, but do aim to sketch in areas hitherto little examined in English, French or Russian.

Aleksandr Medvedkin was born in 1900. Between the Civil War and 1927 he worked as a political instructor in Budyonny's First Cavalry Army, producing much comic and satiric theatre and publishing the regiment's satiric journal, *Turpentine*. On demobilisation he was put in charge of Gosvoenkino, the Red Army film production and distribution firm. His 1927 training film, *Scouts*, was apparently designed to be stopped at a point leaving the scouts in a critical situation – so that the audience could discuss possible solutions – and the screening was then resumed, with the film offer-

* The authors would like to thank Geoffrey Nowell-Smith for his advice on this article.

72 ing its own solution. Medvedkin soon became so interested in film-making that he asked to be released from his predominantly administrative duties at Gosvoenkino. He joined Okhlopkov as assistant director on *Way of the Enthusiasts*, which was completed in 1930 but never released, doubtless because of its slighting of the peasantry, a particularly sensitive issue in this critical period of collectivisation problems.

In 1931 Medvedkin directed a series of films for Soyuzkino. With such titles as *Stop, Thief!*, *What a Fool You Are!* and *The Trap*, these were agitational shorts which Medvedkin saw as taking issue with the escapist dramatics of the then dominant entertainment film, and which satirised such obstacles to socialist construction as hack-work, absenteeism and bureaucracy. Laughter was their weapon against all forms of inefficiency and negligence. Medvedkin's first manifesto declared:

'A film on one reel. Sharp. Gripping the emotions. Our quickly made film should be a thorn in the side of the entertainment film, and its influence should carry through the channels of film distribution.

May people soon forget the entertainment film. Our "film thorn" should stick into the spectator's heart and remain there for years.

But what does it mean to make a film only one reel long? It means that we should discover completely new principles of film construction, radically different from the dramatic composition of entertainment films. Our film has only a hundred or so shots and will run for only twelve or fourteen minutes.

This task, already difficult enough, is further complicated by the need to produce not a film anecdote, but a film problem which will squeeze matters of great importance into the narrow confines of a single reel.

This forces us to present a political thesis in the form of a proverb, an aphorism or a parable. Not a single superfluous shot in an episode, not a single superfluous detail in a shot.'
(*'V boyakh za satiru', Zhizn' v kino*, Moscow, 1971, pp 234-5).

While Medvedkin recalls enthusiastic audience responses to these satiric film farces, they were instantly attacked by zealous critics in AKhRR (Association of Revolutionary Russian Artists) as being slanderous and demoralising. In the ideological climate of the time – one in which satiric work such as Eisenstein's *MMM* project and the writings of Zoshchenko and Ilf and Petrov were coming under increasing pressure – it was possible for some critics to go so far as to denounce satire and humour as bourgeois modes incompatible with the dictatorship of the proletariat. The campaign against Medvedkin took on such proportions that Lunacharsky, the Commissar of Education, had to intervene. In a 1931 speech

on Cinematic Comedy and Satire he defended the effectivity of Medvedkin's satiric method, but castigated the imprecision of its targets. It was doubtless this latter which most worried Medvedkin's critics. Medvedkin's stand against the dominance of the fictional feature film seems to have met with no more success than Vertov's similar campaign a few years previously to establish a 'Leninist film proportion'.

Despite Lunacharsky's support, Medvedkin was no longer allowed to make such films. He explains how this led to the idea of the ciné-train:

'Nevertheless, we decided not to surrender our basic positions but to sharpen the weapon of our cinematic satire, to direct it against concrete failings and shortcomings and to extend our search for politically effective genres capable of responding to the exigencies of the Five-Year Plan . . . This is how the idea of the "ciné-train" was born.' (*Zhizn' v kino*, p 242)

The proposal was initially vetoed by GUK (Central Film Committee). Only after the intervention of Ordzhonikidze and support from the Party Central Committee was the ciné-train given its first assignments. It was presumably seen as an important ideological weapon to counteract the severe problems of absenteeism, very high labour turnover, urban overcrowding and so on attendant on the capital-intensive programme of the first and second Five-Year Plans. Indeed, Medvedkin was later to describe the ciné-train as 'acting as a public prosecutor' (unpublished interview with Kate Betz and Martin Walsh, Varna, Bulgaria, May/June 1977).

A development from the Civil War agit-trains, the ciné-train consisted of three carriages which contained all the equipment necessary for shooting, editing, processing and printing film – animation equipment included – as well as providing (cramped) accommodation and dining quarters for a film crew of thirty-two. Between January 1932 and January 1933 the train made six expeditions in the Ukraine and Caucasus regions, and produced some seventy short films. Apart from one extolling the progress of the Dneprostroi dam and one about army manoeuvres, these were agitational shorts which, Medvedkin claims, developed new forms of cinematic lampoon and feuilleton and exploited, among other devices, play between animated and filmed material and between documentary and fictional acting styles. The train visited in particular those collective farms, mines, foundries and factories which failed to meet their production targets. On arrival Medvedkin's crew, assisted by local Soviet and Party organisations, investigated the reasons for the particular failure. On this basis they made a film about the chosen enterprise. At the same time they often also made a film about a nearby enterprise which, in similar conditions and with similar difficulties – shortage of materials, lack of specialists and so on – nevertheless achieved better results. Such pairs of

74 films were then shown in parallel at workers' and peasants' meetings. In Medvedkin's account, screenings invariably caused an uproar and led to heated discussions from which there emerged constructive decisions as to how production could be improved. As soon as noticeable results were achieved – according to Medvedkin, the ciné-train never left an enterprise until a marked rise in production was attained – this too was recorded on film and this film shown to the same workers and to their counterparts in other enterprises. The film crew never confined itself to film-making alone. As agitators, instructors and finally as an inspection committee – the ciné-train 'acting as a public prosecutor' – they were always actively involved in political organisation, and slackers among their number were sacked. Workers and peasants were encouraged to participate at all levels of the production of the films concerned, and their names were often featured in the credits.

After the ciné-train's departure, several of the enterprises visited adopted its name. In 1933 the ciné-train was stopped, for reasons unknown, though in the following year it was handed over to railway workers and then used to publicise developments in rail transport. All the films made on the ciné-train, like all of Medvedkin's previous films, have disappeared; Gosfilmofond (State Film Archive) holds no copies.

Made in 1934, *Happiness* (originally entitled *Snatchers*) was Medvedkin's first feature film. Drawing on folkloric fairy tales and directed towards the ongoing collectivisation campaign, it shows how Khmyr, a peasant grossly exploited before the Revolution, finds happiness by overcoming his primitive individualism and joining a collective farm. Medvedkin was denied permission to use sound, and *Happiness*, released in 1935, stands as the Soviet cinema's last silent film. The film was very favourably reviewed, but was not deemed by GUK to be worthy of a general release, and seems then to have disappeared. Eisenstein's enthusiastic review – 'I saw how a Bolshevik laughs' – saw print only some thirty years later when published in his collected works (Eisenstein, 'Styazhateli' [*Snatchers*], *Izbrannye proizvedeniya* vol 5, Moscow 1968, p 231), while another contemporary Soviet review, lodged in the Belgian Cinémathèque, likewise applauds the film, but never names the director of whom it speaks (translated in *Image et Son* n 255, December 1971, pp 10-11).

In Medvedkin's account, GUK appears to have exerted considerable pressure to persuade him to abandon his experimentation with forms of political satire and to switch to films on the Soviet socialist realist model. Medvedkin, however, sought to use the anti-naturalist strategies of *Happiness* in his next film, *The Power of the Devil*, from his own script based on Nekrasov's poem about the grievances of nineteenth-century Russian peasants, *Who Can Be Happy in Russia?* GUK stopped the production on the eve of shooting. Medvedkin shared such frustrations as this with other

film directors – notably Vertov, Eisenstein, Pudovkin and Dovzhenko – who found it difficult to adjust to the demands of Soviet socialist realism as laid down by Zhdanov at the 1934 Soviet Writers' Congress.

Wary of the difficulties of making another satiric film in the prevailing ideological/cultural climate, Medvedkin in 1937 made an officially accepted socialist-realist comedy about a *Miracle Girl* who succeeds in milking the most recalcitrant cow in the village. Leyda, whose review of the film seems to be the only one available, describes it in terms of a 'beauty' and 'inventiveness' compromised only by an obligatory final pæan to Stalin (Leyda, "Une Autre Résurrection", *Ecran* 72, February 1972, pp 51-2). After the failure of *The New Moscow* (1938), which was not distributed, for reasons unknown, Medvedkin abandoned comedy for documentary and newsreel. During World War Two he supervised newsreel cameramen at the front – for which work he was decorated – and himself directed *We Count on Your Victory* (1941).

Still less information is available on Medvedkin's subsequent career. His filmography includes *Liberated Earth* (1946), about the agricultural region of Kuban in southern Russia, and *Troubled Spring* (1956), promoting Khrushchev's Cultivation of the Virgin Lands programme. Three films of this period about which we know nothing are *The Glory of Work* (1949), *The First Spring* (1950) and *Thoughts on Happiness* (1958). In the 1960s Medvedkin's satiric abilities were directed primarily against Western colonialism and imperialism. The resultant films included *The Law of Cowardice* (1962), on the dismantling of the colonial system in Africa, *The Dawn of the Republic of Ghana* (1963), *Peace for Vietnam* (1965), *Burglars as Friends* (1966), attacking Western imperialism in the Third World, and *One More Monument* (1966), about Portugal's African colonies. Other titles of this period are *Reason Against Madness* (1960), *The Sclerosis of Conscience* (1967), about the danger of a third World War, *My Friend Sun Yat-sen* (1967) and *Letter to my Chinese Friends* (1971).

Medvedkin rejoiced at the recognition of his work in France in the late 1960s and early 1970s: 'I am very glad that our experience has proved useful to French film-makers and has not disappeared without a trace . . . Having long choked on the bitterness of defeat, I have now tasted the unfamiliar bitterness of victory.' (*Zhizn' v kino*, p 246).

But why was Medvedkin taken up so enthusiastically in France in 1967-71? Chris Marker seems to be a key figure here. He himself recounts that he saw *Happiness* at the Belgian Cinéma-thèque and met Medvedkin himself 'several years later' at Leipzig – presumably at a film festival there in the late 1960s (Marker, 'Le Ciné-Ours', *Image et Son* n 255, December 1971, p 4). In the meantime Marker and Medvedkin had corresponded, and in December 1967 SLON (Société de Lancement des Œuvres Nouvelles),

76 the left French film collective founded by Marker in 1966, established a workers' film-making group in Besançon, where, following the big strikes of 1967 – particularly at the nearby Rhodiacéta factory where Marker and Mario Marret had made *A bientôt, j'espère* – workers were anxious 'to make films to show things as they felt them to be from their own experience' (SLON, Interview with Guy Hennebelle, Paris 14 February 1972, *Time Out* n 107, 3-9 March 1972, p 42). It was this group which adopted the name Groupe Medvedkine. This is the first aspect of the French ideological appropriation of Medvedkin. For while Godard, Gorin and others were to adopt the Dziga Vertov banner in 1969 because of Vertov's concern 'to open people's eyes and to show the world in the name of the dictatorship of the proletariat' (Godard, Interview, *Cinéma 70* n 151, December 1970, p 82), Medvedkin was taken up because he had put 'the camera in the hands of the people' (Marker, art cit, p 4). Medvedkin did indeed do this during the year of the ciné-train, but his action assumed an ideological harmony between the workers' views and the aims of the first Five-Year Plan – the ciné-train 'acting as a public prosecutor'. The populist function of the same action for the Groupe Medvedkine clearly had a different relationship with the dominant ideology of its conjuncture: in the words of the commentary of *The Train Rolls On*, 'to remind the working class that the cinema is one of its weapons, and also to learn to see' ('Le Train en Marche', *L'Avant-Scène* n 120, December 1971, p 14).

The second aspect of the French adoption of Medvedkin is linked to the first through the politics of authorship. It concerns SLON's distribution of *Happiness* with French titles and a music track by Mussorgsky, together with the making of *The Train Rolls On* by Marker in 1971 specifically to introduce *Happiness*, this 33-minute short consisting primarily of a long interview with Medvedkin conducted in Paris in January 1971. *L'Avant-Scène* in December 1971 – *Image et Son* published their Medvedkin dossier in the same month (n 255 cit) – published 'a very special issue' on Medvedkin containing the scripts of *Happiness*, *The Train Rolls On* and *The Power of the Devil* (n 120 cit). SLON's introduction points up the second aspect of the French film cultural adoption of Medvedkin: they proclaim that '*Happiness*, dating from 1934 and curiously unknown since . . . is a completely poetic and allegorical film' (ibid, p 7). Not only did *Happiness* gain currency as a forgotten masterpiece – it ran for several months in Paris – but also as evidence of some residual Soviet avant-garde. It seems worth emphasising here that *Happiness* is not avant-garde in this generic and historicising, but a-historical sense, nor is it necessarily – this is the other face of what the Soviet avant-garde is commonly supposed to be – politically oppositional. Even if aesthetically Medvedkin contravened the directives of the Soviet film administration of the 1930s, politically he appears throughout his life,

like Pudovkin, to have retained an inflexible confidence in the Party. How far the distribution of *Happiness* was designed to underwrite the populist interests of film-making groups such as the Groupe Medvedkine associated with SLON and how far it was distributed in its own right as an avant-garde film is unclear. Insofar as the latter obtained, the film's promotion again marks an effective evacuation of its politics. The politics then reinserted were those of contemporary polemics within French film journals, which very broadly speaking split into two camps. *Cahiers du Cinéma* and *Cinéthique* in 1969 initiated their quest for a theoretically conscious left cinema, whereas *Positif*, *Image et Son*, *Ecran* and *Cinéma*, when concerned with left cinema at all, cultivated a more populist strain. *Cahiers* and *Cinéthique* – the latter loosely associated with the Groupe Dziga Vertov – published in 1969-72 many translations of, and articles on, Vertov and Eisenstein, and mentioned Medvedkin not at all; the other magazines for the most part avoided Vertov and Eisenstein, and enthusiastically promoted Medvedkin (*Image et Son* cit, *Ecran* 72 cit, *Positif* n 136, March 1972 and also *L'Avant-Scène* cit). It should, however, be noted that Marker himself repudiates suggestions that SLON distributed *Happiness* 'in order to challenge the cult of the Groupe Dziga Vertov' (Marker, art cit, p 5).

The French 'discovery' of Medvedkin was necessarily contingent upon a Soviet rehabilitation of his work. Following years of non-recognition, Medvedkin's films seem to have received detailed attention and promotion only in about 1971: his recollections cited above (in *Zhizn' v kino* cit), a *Soviet Film* article (Roshal, 'Medved-Ciné', *Soviet Film* n 169, June 1971), his visiting Paris for the interview for *The Train Rolls On* and the screening of *Happiness* at the 1971 Pesaro Film Festival and in East Germany, Poland and Yugoslavia as well as in Western Europe. Throughout, a resounding silence looms over the reasons for the Soviet rehabilitation of Medvedkin. Clearly, it is a part of the post-'thaw' phase of Soviet history which for the first time made available many of the (still often heavily edited) writings of Eisenstein (published 1965-8), Vertov (1966) and Dovzhenko (1964-9), Eisenstein's 'Notes for a Film of *Capital*' (1973) and so on. But in view of the problems for Soviet writers since the Twentieth Congress of reconstructing their own history, lacunae in the record are perhaps not surprising. The whole period of Medvedkin's career between *Happiness* and his post-1956 activity seems still to remain unexamined, and the absence is filled by a teleological providentialism. Thus Roshal can justify all the 'unexpected' occurrences surrounding Medvedkin and his resurrection: 'Perhaps there is a logic in these "unexpected" developments: the logic of the history and development of the cinema which in the final analysis allows everything to drop into its right place?' (Roshal, art cit, p 15).

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The Political Joke in *Happiness*

Martin Walsh

Happiness is a film whose basic priority is that of clarity. Keeping its intended audience firmly in mind (a rural proletariat of only partial literacy), clarity is the key to all of Medvedkin's devices (in opposition, it could be asserted, to some of Eisenstein's work). Its representational strategies obtain their political impact from the very simplicity of their anti-naturalist conception.

Medvedkin transforms Mayakovsky's dictum that 'the theatre is not a magnifying glass, but a distorting mirror' by refusing to photograph any 'pre-existing reality', opting instead to construct a representation consisting of only those elements germane to his themes: and the combination of these elements is never represented as a direct 'reflection of reality', but as an allegorical distortion: his images, in brief, are presented explicitly as signifying practice. Thus, for instance, his hyperbolic use of objects such as chains, padlocks, and the grotesquely twisted tree that serves also as a schematic sign of the film's geographic space; or, differently, the tilting of the camera to accentuate the steepness of the hill that the horse and Khmyr try to plough – all these devices establish the scenes as ones that are constructed, not reflective of the real world 'out there'. The scene thus hovers between the dual presences of signifier (the tilted frame) and signified (the difficulty of ploughing a steep hill). This play between the two terms has, as we shall see shortly, important repercussions for the efficacy of Medvedkin's comic technique. And the way this sequence evolves demonstrates well Medvedkin's theatrical rather than realist *mise-en-scène*, particularly in its disregard for the illusionist transitions between shots, which transitions normally have as one co-ordinate of their functioning the guaranteeing of the 'real' space of the actions. The sequence culminates in the horse's death: it is instantly purged from the frame (no corpse to 'realistically' litter the screen): it is

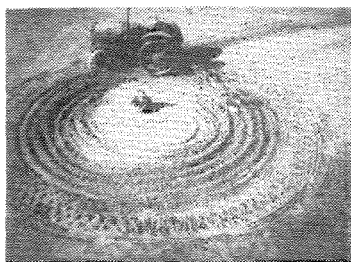
80 neither removed by anyone, nor yet present – except in so far as Anna ‘his horsewife’ replaces, reconstitutes the beast in harness; and once this metaphor is established, the horse is re-introduced in frame, resurrected, in a shot of it sitting, cat-like, on its hind legs: and the placing of this shot situates the horse as a cynical onlooker, looking on as it were, from the wings of this theatrical space. The very act of resurrection effectively blocks any naturalist reading of the scene.

Again and again through the film Medvedkin constructs images whose metaphoric function overrides their naturalist function; a number of scenes demonstrate this procedure quite clearly: the nuns in transparent blouses (down whose bodies the camera tilts lasciviously) represent unequivocally the church’s degradation, its prostitution to the desires of the military. Or take the later scene where one of the collective is seduced by Foka’s trap of a bottle of vodka (still 1) – the spiritual encirclement, captivation, is represented directly in visual terms, the idea becomes image. In another scene (still 2) Khmyr’s lassitude is shown as infectious – his horse (constantly endowed with human characteristics) too is falling asleep – the frame’s internal rhyming effect clinching both the humorous and didactic elements of the scene; the previous shot has been of water draining out of the barrel behind Khmyr, following a title that Khmyr is ‘losing all faith in happiness’ – the process of loss being represented by the water trickling away down the hill. The *economy* of these images is crucial to the functioning of their comic articulation, as we shall shortly see more clearly. Similarly, in still 3, the image of the granary on legs is a remarkable visualisation of the *effect* of robbers, a surrealist heightening of their basic activity, and again it is the *economy* of the representation that is fundamental, as is true, in an earlier scene, of the gate with a fence on only one side, where the economy of the visual wit consists in playing the conventional meaning against itself – the *meaning* of fences, ie possessiveness, territoriality, against its actual lack.

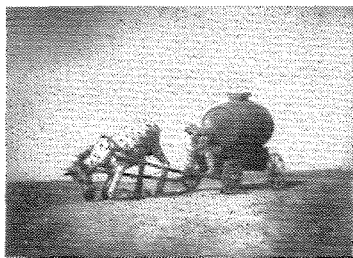
Relevant here is Meyerhold’s comment in a lecture on ‘Chaplin and Chaplinism’:

‘Let us go to our children and see how naively they draw, yet what great art they produce. Eisenstein tells an interesting story of a child illustrating the subject “lighting the stove”. The child drew “some firewood, a stove, and a chimney. But in the middle of the room there was a huge rectangle covered with zig-zags. What was it? Matches apparently. The child drew the matches on a scale appropriate to their crucial role in the action he was depicting”’. (Meyerhold on Theatre, ed E Braun, Methuen, London, Hill & Wang, New York 1969 pp 320-321).

It is immediately clear that this observation of a child’s representation of ‘lighting the stove’ illuminates elements of Medvedkin’s mode of representation (padlocks, chains etc); but it has, I think,



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rather profounder implications for our comprehension of the film's mechanisms. Freud, in *Jokes and their Relation to the Unconscious*, isolates two fundamental principles from which 'all the techniques of jokes, and accordingly all pleasure from these techniques, are derived'. (S Freud, 1905, *Standard Edition of the Complete Psychological Works*, Vol VIII p 127.) These two principles are, firstly, 'economising in psychical expenditure that is only about to be called for'; secondly, and more to our purpose here, 'relief from psychical expenditure that is already there', or as Freud himself paraphrases it, 're-establishing old liberties and getting rid of the burden of intellectual upbringing'. The return to a former state, ie analagous to childhood, Freud finds to be a basic operation in the functioning of jokes. Indeed, in constructing his model for the functioning of jokes, Freud poses a three-stage movement, play→jest→joke, in which the first stage is explicitly a child-like activity:

'Play appears in children while they are learning to make use of words and to put thoughts together. This play probably obeys one of the instincts which compel children to practise their capacities, Play with words'and thoughts, motivated by certain pleasurable effects of economy, would thus be the first stage of jokes.' (ibid p 128)

The second stage is 'the jest' which

'is a question of prolonging the yield of pleasure from play, but at the same time of silencing the objections raised by criticism

82 which would not allow the pleasurable feeling to emerge. There is only one way of reaching this end: the meaningless combination of words or the absurd putting together of thoughts must nevertheless have a meaning.' (ibid p 129)

The third stage is only relatively different from the second: 'If what a jest says possesses substance and value [as opposed to being merely "permissible"], it turns into a joke' (ibid p 131). Now in the first section of *Jokes and their Relation to the Unconscious*, Freud suggests that there are both 'innocent' and 'tendentious' jokes, only the latter having a target, the former existing merely for the pleasure of 'play'. However he later comes to realise that

'Jokes, even if the thought contained in them is non-tendentious, and thus only serves theoretical intellectual interests, are in fact never non-tendentious. . . . A joke is a psychical factor possessed of power: its weight, thrown into one scale or the other, can be decisive'. (ibid pp 132-3)

Joking, then, is never simply a question of 'entertainment', of 'mere fun', and Medvedkin grasps this, and it is possible, if we may transfer some of Freud's observations on verbal jokes to the rather different area of film, to see how he uses comedy to produce his 'collectivisation' message.

Instead of arguing his case for collectivisation, or against the clergy, in a solemn, studied manner (much as Eisenstein attempts in *October*), Medvedkin exploits the psychical powers of joking to orientate his audience to their socialist future, Freud, in coming to his principle of 'relief from psychical expenditure that is already there', arrived via two categories of jokes: one he calls 'replacement of thing-associations by word-association', by which he means what we would now call the shifting of the focus of attention from the signified to the signifier; the other revolves around the 'use of absurdity'. Both these forms can be seen in operation in *Happiness*.

'In one group of . . . jokes (play upon words) the technique consisted in focusing our psychical attitude upon the *sound* of the word instead of upon its *meaning* – in making the (acoustic) word-presentation itself take the place of its significance as given by its relations to thing-presentations. It may really be suspected that in doing so we are bringing about a great relief in psychical work, and that when we make serious use of words we are obliged to hold ourselves back with a certain effort from this comfortable procedure.' (ibid p 119)

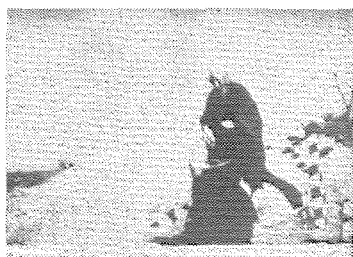
Happiness demonstrates the transformation of this technique into filmic terms, while maintaining the recognition that the fundamental shift specified by Freud occurs between signified and signifier. Many of the gags are predicated on the deliberate foregrounding

of the filmic articulations: the use of high-speed movement (a camera 'deviation' from the norm), the use of superimposition (Foka's 'magical' appearance on the hillside), of animation techniques (*vareneki* – little cakes – 'flying' unaided into Foka's mouth), are all used to make points – but our acceptance of them is rooted, not in a belief in the authenticity of the representation, but in our acknowledgement of the witty appositeness of that representation as representation. Let's examine one sequence in some detail: the fight on the bridge between the tall and short clergymen. The scene has been set: the two have already found a five kopeck¹ piece on the road, and have each outdone the other in their ingratiating attempts to make their companion accept the pittance. Then, a purse of gold is espied on a bridge, their 'real' characters emerge (the original release title for the film was *Snatchers*) and they fight for the booty. Medvedkin doesn't just set his actors to fighting – but instead utilises purely filmic capacities to *abstract* the fight from any spatio-temporal coherence, using a series of jump-cuts to fragment the continuity, and accentuate the crazy, frenzied quality of the aggression. Stills 4–9 are from this sequence, 4/5 being adjacent frames, as also 6/7 and 8/9. As can be instantly seen, there is no logical continuity within the pairs, no logic of character placement within the frame; nor (as is not evident from stills) is there any attempt to match the direction of movement from one shot to the next. In fact the principal logic of this sequence is non-narrative: Medvedkin concentrates on the rhythm of the sequence, both in the length of each shot, and on the alternating angle of orientation of the camera. Shots 4, 5, 6 have a perspective receding from right to left, while 7, 8, 9 recede from left to right. This formal play (the alternating perspectives have no narrative or identificatory function) establishes a distinctly non-naturalist space – particularly since one of the priests seems constantly in the air, the jump-cuts eliding portions where he might touch the ground. In short, Medvedkin does not attempt to convince us of the animal greed of the clergy by demonstrating a seriously mean and bloody struggle – but by focusing on the material articulations of the celluloid, by concentrating on the rhythmic and abstract spatial logic of the representation of the fight, he denudes the clergy of any dignity, integrity: the conventional, socialised meanings of 'priesthood' are left utterly stranded. By working on a kind of primal pleasure of the play with filmic elements, instead of with 'responsible' analysis of the hypocrisy and greed of the church (which analysis would, in classical narrative, involve the effacement of the signifying process), Medvedkin reintroduces a certain materiality of language, and through the play on that material, pulls the spectator onto his side through

1. Soviet socialist realism was widely known as 'an art for five kopecks'.



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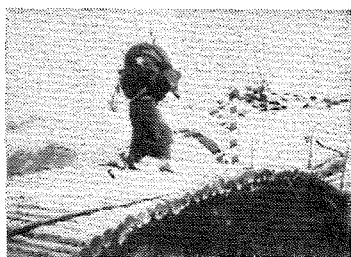
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the force of agreement engendered by the pleasurable effect.

'A cheerful mood, whether it is produced endogenously or toxically, reduces the inhibiting forces, criticism among them, and makes accessible once again sources of pleasure which were under the weight of suppression.' (Freud, *ibid* p 127)

In so far as *Happiness* is concerned, Medvedkin's targets of religion, the Tsarist military, state functionaries and so on, are prime institutional instances of psychical pressure upon his audience – pressures that persisted in 1934. (As Meyerhold pointed out in 1930, 'There are 36,805 religious organisations in the RSFSR. The total of religious communities has almost doubled since 1922-3'. ('The Reconstruction of the Theatre', *Meyerhold on Theatre* op cit)) Ridiculing all notions of paternalistic and spiritual authority

throughout the first half of *Happiness*, Medvedkin contrives in the second to leave traces of that authority, which are finally overwhelmed by the imperatives of collectivist commitment. These traces are constituted by the successive reappearances of the same actors who play, for instance, the clergy of the bridge fight. This Laurel & Hardy duo appear as clergy, as robbers, as anti-collective subversives, and this multi-role system endows each successive appearance with an accumulated force of rejection, sets up a trail of metaphorical accretions that spread through the film. On the one hand (recalling Meyerhold's *Give Us Europe* of 1924, in which 95 roles were played by 45 players) the multiple roles played by each actor (except Khmyr, Anna and Foka) function to remind us that, as Brecht put it 'the actor is quoting': certainly there is an underlining of the dual personality of the actor, growing perhaps out of Meyerhold's formula $N = A_1 + A_2$ (where N is the actor, A_1 is the artist who conceives the idea and issues the instructions necessary for its execution, and A_2 is the executant who executes the conception of A); in short a materialist notion of the actor, as opposed to one of the actor as 'a man possessed' by his role. On the other hand, we must clearly read the succession of roles offered by each actor as also shaping a historical sequence, that of the rise and fall of the church; but this historical sequence is realised, temporally, in very schematic terms: despite the perhaps thirty-five year time-span of *Happiness'* narrative, no-one ages in this film: the actor quotes, he does not 'live through' the events re-presented.

At this point let me return to the fight on the bridge: apart from Medvedkin's handling of the editing of the sequence, and the spatial and temporal discontinuities of the fight, there is also the actors' representation of the fight to be considered. (And it should be considered from the point of view of Brecht's emphasis on the necessity of 'the gest', of gestic acting, an emphasis prefigured in Meyerhold's statement that 'every movement is a hieroglyph with its own peculiar meaning'.) There is no attempt to convince us these are *real* blows; instead a blow-by-blow mime is played out, one priest *waiting* to be hit on the head by a (pathetically thin) stick, then the postures switch, as the other priest *waits* to be punched in the stomach, this 'stagey' blow taking devastating effect: the key-note is absurdity. This absurdity has two distinct functions: to ridicule (like Sennett), and also to emphasise the materialist basis of this representation, developing the spectator's critical, scrutinising activity. Near the end of the bridge sequence, the short priest is left alone, alternately peering into the water after his companion, and over his shoulder onto the bridge, for the purse. Medvedkin elides the space between these two gazes, endowing the man with preposterous, owl-like swiftness, the rapid alternation between these two looks working both to deflate what little may be left of the priest's dignity, and to reinforce the material articula-

86 tions of the filmic discourse. There is an interesting connection to be made here between the conventions of priesthood (ie its socialised meanings), and the naturalising conventions of cinematic language. Freud has noted that

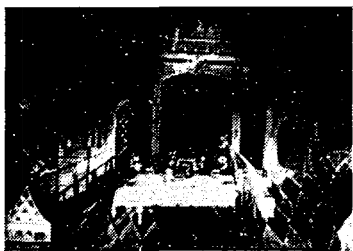
'Nothing distinguishes jokes more clearly from all other psychical structures than this double-sidedness and this duplicity in speech. From this point of view at least, the authorities come closest to an understanding of the nature of jokes when they lay stress on "sense in nonsense".' (Freud, op cit p 172)

The priesthood is here mocked through Medvedkin's play upon the elements underpinning the visual representation of priesthood. In sum, we may say that the whole bridge sequence is organised through a play of formal elements, which play undergoes a process of transformation onto the level of content; this process corresponds to that moment in Freud's model of the operation of jokes, in which 'the meaningless combination of words or the absurd putting-together of thoughts is found to nevertheless have a meaning'. The 'nonsensical' fight takes on meaning, is transferred to the character of the priests.

It is important, of course, that this transfer is of a very generalised meaning, pertaining not to the *individual* priest(s), but to the ideological structures that inform their roles. Indeed Medvedkin meticulously avoids any individualising tendency in his presentation of all the 'enemies' of collectivisation. Even Foka, the incarnation of Tsarist evil, remains abstract, incarnating a 'magical' force of evil: food flies un-aided to his mouth, he appears out of the air on the hillside. Magic (the intangible, spiritual) is a weapon of Tsarist forces, and is closely related to religious superstitions: Khmyr's praying for a life of plenty must be replaced by pragmatic energy. And the representation of Khmyr is emphatically generalised: for one thing, the titles underline this, he is representative of the Russian peasant class, 'he' must feed Russia, 'he' 'was shipped 3 and 30 years, was shot on 12 fronts and whipped 7 times in the Carpathes'. This generalising thrust recurs in a somewhat different form in Godard's *Deux ou trois choses que je sais d'elle*, *Weekend* and, particularly obviously, in *Vent d'est* when a single image of a woman, her face hidden by the leaves of a tree, is given four different historical identities, Suzanne Monet, Scarlett Faulkner, Ines Mussolini, Rachel Darnev, each marking a different but related manifestation of right-wing ideology. The notion of 'typicality' is, of course, central to the operations of socialist realism. What differentiates Godard and Medvedkin's generalisations from such a concept of typicality is their refusal to integrate that typicality in to the flux of the 'real world': instead, as for example in the repetitions of the soldiers' grotesque masks in *Happiness*, they foreground the representation as signifying practice.

Happiness can be described, then, as an avant-garde film, in so

far as it offers what Stephen Heath has called 'a representation of the real functioning of representation'. Again and again we find the representational activity in the foreground of our engagement with the film; Medvedkin seems to underline both the static and two-dimensional foundations of the cinematic process. We consistently meet a tableau quality that re-marks Brecht's observation that 'cinema is by nature static and must be treated as a series of tableaux': not merely the distinctly episodic structuring of the film's narration, but images such as the very opening shot of the film, whose immobility seems to contradict the very idea of any imminent cinematic action, or the shots of the 'crescent moon' set that bracket the night-time scenes (the formally repetitive use of the crescent moon re-marks it as signifying practice). Similarly, Medvedkin's recourse to high-angle long shots (eg the Caligari-esque grave-yard for the scene of Anna banishing Khmyr) in which the horizon is excluded from the frame, and the actors are relatively small in the image (as often in Keaton), results in an impassive, ironic stance toward the charged, even melodramatic content, takes us out of the action. Such a detachment makes impossible any emotional identification with Khmyr or Anna. The most emphatic example of this is Khmyr's fantasy (stills 10 and 11), which is constructed as a kind of *flattened* tableau: the first two shots of the sequence (establishing long shots), have what appears to be a diamond-patterned floor, but the perspectival implications that it holds if we consider it as floor (ie *horizontal*) are contradicted by the apparent matching of a diamond shaped grid, placed *vertically* in an archway on the right of the screen. It is, in short, difficult to read the space of this fantasy as three-dimensional, and the only marginal variation of the camera's frontal/proscenium-arch position throughout the series of shots that make up the sequence reinforces, in its ignoring of the 30-degree rule that aids in establishing the impression of real space, this lack of perspectival conviction.



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The lack of perspectival conviction matters in so far as it aids in Medvedkin's debunking of the folkloric origin of this fantasy – Khmyr's greasing his hair with his hands after devouring a leg of

88 chicken, Anna's *snapping* at an apple, function to strip this embedded legend of its force, just as elsewhere Medvedkin parodies the folkwisdom that 'a horse, a full granary and a house' equal Happiness. Medvedkin's use of folk-lore is similar to Brecht's interest in epic – both are well-known to their audience, thus there is no necessity for detailed itemisation of 'reality', for authentic representation. But Chaplin too used epic (especially *The Gold Rush*), without it being either materialist or socialist. Eisenstein saw why: 'Chaplin's gag is individualist; with Medvedkin it's socialist'.² Even in *Modern Times*, which is still a remarkable condemnation of technological dehumanisation, there can be no doubt that Chaplin's is a transcendental humour: he rises above the 'petty miseries' of the world, he transforms mechanical rhythms into inspired balletics. Chaplin criticises, satirises, but without ever analysing the *causes* of the misery he describes; for him it is enough to simply rise above it, *personally* escape it. There is certainly no interest in class-consciousness – for his worker-colleagues are as frequently comic targets as anyone else. Medvedkin has no interest in individual escapes, but rather in collective social solutions. In this Medvedkin is unique among directors of silent comedy, just as his example is extraordinary in its attempt to make comic films for a very specific and localised audience, quite unlike the universalist aspirations of a Chaplin or Keaton. The strength of Medvedkin's work derives in part from its engagement in a concrete struggle, a continuing struggle. Against a notion of a fully-achieved revolution, Medvedkin underlines the continuing infiltration of revolutionary ranks by decadent elements. With Lenin he admits that

'It is normal that the peasant will not come immediately to socialism. It is necessary that he verifies in practice that towards which he is called. He decides to change his life when he comprehends the necessity.' (Medvedkin, quoted in *L'Avant-Scène du Cinéma* n 20)

Happiness contributes to the possibility of that comprehension, placing education with entertainment, combining pleasure with learning in the manner of Brecht's 'lehrstücke', learning-plays: for Medvedkin's use of comedy (unlike Chaplin's) is in explicit recognition of Freud's observation that all jokes have a 'tendency', in this case a socialist tendency: *Happiness* represents one attempt at an answer to Meyerhold's plea of 1930

'If the modern theatre [let us read "cinema"] is to justify its existence, it must not purvey some pointless commercial fiction. It must inspire the audience to leave the performance determined to tackle the task of construction with renewed vigour. . . .

2. 'Letter from S M Eisenstein', *Image et Son* n 255, Dec 1971. Letter written in 1936 but not published then.

We have already renounced the apolitical theatre . . . but who knows how to stage productions which imbue the spectator with that vigour which seems to us the best means of defending the more vulnerable elements of the population against the poison gases of the clerics and the kulaks, against the decadent opiates of the urban bourgeoisie? ' (op cit p 268)

Medvedkin has, at least, some suggestions.

The most complete filmography of Medvedkin can be found in *Ecran 72*, February 1972, p 53.

Both *Happiness* and *The Train Rolls On* are distributed on 16mm in Britain by The Other Cinema.

With thanks to Erich Sargent of the British Film Institute's Educational Advisory Service for the frame-enlargements.
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Film Copyright: Film Culture

Vincent Porter

Copyright is one of the legal mechanisms by which the world of ideas is harnessed to the world of commerce. This linkage is regulated at a national level in national copyright legislation (for a complete list see: *Copyright Laws and Treaties of the World*, UNESCO nd) and at an international level in a series of international copyright and allied conventions. Copyright is but one form of intellectual property. Other forms include performing rights and rights protecting inventions, patents, trademarks, industrial designs, typefaces and even plant varieties and seeds. As Western societies witness a growth in the information sectors of their economies and a relative decline in their production sectors, and as technological advances progressively internationalise both the means of transmitting and the means of producing informational goods, such as films, so copyright legislation becomes simultaneously more significant and yet more difficult to justify. It would not be an exaggeration to say that the world of international copyright is in confusion. It is true that the matter has not been aired for public debate, but for those who listen carefully, there are the clear and distinct sounds of the dust being swept under the carpet and of the paper being pasted over the cracks in the creaking artifice of international copyright legislation.

Copyright legislation has become a matter for arcane debate amongst legal experts to which few members of parliament or policy-makers, let alone members of the public, are privy. And yet, the structure and flow of informational goods in society are crucially dependent on the outcome of these arcane debates. At the international level, the texts of the international conventions have been drafted in such a way as to achieve the maximum common agreement on a series of common principles which can have significantly different results in different territories as those principles interact

with the different economic and legislative systems of the various countries involved. Thus both the USA and the USSR can accede to the Universal Copyright Convention despite their widely differing economic practices and attitudes towards civil liberties, and both the United Kingdom and Belgium can accede to the European Agreement on the Protection of Television Broadcasts despite their totally different philosophies towards the cable diffusion of overseas television broadcasts. The extrapolation of the general principles enshrined in the two international copyright conventions and their application to new media and distribution technology has for many years been the basis on which international copyright legislation has been built. As a result, the United Kingdom is now a signatory to seven interlocking international treaties designed to protect the commercial interests of authors and producers and which place corresponding restrictions on the free flow of informational goods, or, in the ultimate case, on the free flow of information itself. In order to understand how this situation has developed it is necessary to look more closely at the agreements which protect film internationally.

The two major international copyright conventions are the Berne Convention for the Protection of Literary and Artistic Works which was first signed on September 9, 1886 and which has been revised and updated approximately every twenty years, and the Universal Copyright Convention which was first signed in 1952 and was revised in 1971. The United Kingdom is a signatory to the latest revision of the Universal Copyright Convention (Paris 1971, Her Majesty's Command Paper 5844), but although it is a signatory to earlier texts of the Berne Convention it is not yet in a position to sign the latest Stockholm and Paris texts (Paris 1971, Cmnd 5002). Both of these Conventions provide for the protection of cinematograph films, but as technological developments have opened up new methods of distribution, so new agreements have been negotiated to extend the commercial protection afforded to film-makers. In 1958, the European Agreement Concerning Programme Exchanges by Means of Television Films (Paris 1958, Cmd 1509) was negotiated among member states of the Council of Europe. This enabled broadcasting organisations which had made a television film to authorise the exploitation of that film in other member countries without obtaining the individual authorisation of all the co-authors, who, in continental Europe, might include not only the producer, the script writer and the song writer but also the art director and the camera crew. Two years later the European Agreement on the Protection of Television Broadcasts (Strasbourg 1960, Cmnd 1508) which was subsequently amended (Strasbourg 1965, Cmnd 2744) provided for the mutual protection of television broadcasts against rebroadcasting, wire diffusion, public performance and recording.

A year later, under the aegis of the International Labour Organisation, UNESCO and World Intellectual Property Organisation (a

92 branch of the UN), the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations was signed in Rome (Cmnd 2425). The purpose of the Rome Convention was to ensure the protection of phonograms and of broadcasts by linking their protection with those of the performers. This had become necessary since in many countries, unlike the United Kingdom, there is no copyright protection for sound recordings or for broadcasts in their own right. Thus for many broadcasts which did not include copyright material, such as performances of classical drama, and for many sound recordings where the music was no longer protected by copyright, such as classical symphonies or folk songs, the only way of protecting the works concerned seemed to be to ally the interests of the record producers and the broadcasters with those of the performers, thus establishing the international protection of performing rights.

The Rome Convention forced a major split in the precariously developing philosophy of the international protection of intellectual property, for not only did it grant record makers the right to prevent the copying of their records and broadcasters the right to prevent the rebroadcasting and copying of their broadcasts, it also gave the performers 'the possibility of preventing' the fixation or broadcasting without their consent of their 'live' performances of works (ibid, article 7). This preventive power now extended to all performances, not only to performances of works which were out of copyright, thus giving performers a greater bargaining power with broadcasters and record producers than they had had hitherto. Not surprisingly therefore, the international organisations representing broadcasters, and in particular the European Broadcasting Union, have opposed the Convention and to date only about twelve countries, including the United Kingdom, have ratified the Convention. Partly in order to circumvent this opposition, but also to prevent the re-recording of gramophone records and tapes without additional payment, the Phonograms Convention (for the Producers of Phonograms Against Unauthorised Duplication of their Phonograms, Geneva 1971, Cmnd 5275) was signed in Geneva in 1971. This convention, which refers only to sound recordings, protects record producers against the importation of records which have been recorded without authorisation.

Finally, in 1974, a Convention was agreed in Brussels, protecting the satellite transmissions of broadcasts (Distribution of Programme Carrying Signals Transmitted by Satellite, WIPO Geneva). This Convention, which has not yet been ratified by the United Kingdom, saw a major shift in the international philosophy for the protection of intellectual property. Hitherto, intellectual property conventions, following in the tradition of the Berne Convention, although signed by Governments of signatory states, had merely guaranteed fair play in the international commerce of creative works. That is to say, legislative intervention was limited to the assignment

of copyright to authors and/or their works (using the terms in their widest sense). The international ebb and flow of creative works was left to the forces of free trade, authors assigning or licensing their copyrights by legal contract. Thus copyright conventions did not come within the scope of public international law, they merely provided a framework within which private international commerce could operate. The Brussels Convention took a different path however. The 57 nations which were party to the Convention undertook to prevent the broadcasting or rebroadcasting of satellite programmes without authorisation, by taxation, administrative measures or penal legislation which might or might not depend on the provisions of the two major copyright conventions. In adopting this approach the Brussels Convention took a firm but decisive step into the field of public international law. In doing so, the Convention sidestepped two major diplomatic quarrels which had threatened the successful conclusion of the Convention. The first was the diplomatic battle between the USA and the USSR on limitations on the content of satellite broadcasts as opposed to the regulation of programme traffic. The second concerned the relationship between the Rome Convention and the Brussels Convention, since performers and others feared that if broadcasts were protected by granting an extension of copyright this would be an infringement of performers' rights as protected under the Rome Convention.¹

In the United Kingdom therefore, the commercial rights of filmmakers are protected by seven interlocking international conventions. Within the last twenty years film authors, whether individuals or legal persons, have attempted to extend their commercial rights to keep pace with developing technology, while at the same time not disrupting the buying and selling of those rights in an international market economy. The Rome Convention upset that policy, however, by granting rights to performers which meant that filmmakers, particularly broadcasters, could not sell their programmes internationally without the consent of the performers; and the Brussels Convention shifted the whole question of protecting satellite broadcasts from the field of private international law to public international law, that is from a commercial consideration to a political consideration. At the same time, protection of the interests of consumers of informational works has not been extended in international legislation — a point to which I shall return. In the meantime, two key reports have been published recently which may have a profound impact on the structure and flow of films and of their cultural role both in this country and throughout the European Community. They are the report prepared by the Whitford Com-

1. For a fuller account see H S Bloom, 'Satellite Broadcasting Guidelines for the World of Science-Diplomacy', *Journal of Royal Television Society* May/June 1975; and F Klaver, 'Satellites, Communication-Satellites and International Copyright', *Gazette* XX, 2, 1974 and XXI, 3, 1975.

- 94 mittee for the Secretary of State for Trade² and that prepared by Dr Adolf Dietz for the Commission of the European Community.³ Both are concerned to extend and expand the principle of copyright protection and both build their reports on the desirability of signing the Stockholm and Paris texts of the Berne Convention. Neither report seriously questions the cultural desirability of such an assumption, they merely explore its legal feasibility. In so doing a number of key issues are left either unexplored or unresolved and it is these I now wish to consider.

Copyright or Author's Right

Since copyright has no material existence, but is a legal fiction, invented first by the national community and adopted later by the international community to regulate the flow of intellectual works, it has also needed its own ideology. There have been two dominant theories legitimising the protection of literary and artistic works – that of copyright, or the right to copy, and that of the author's right.

The theory of copyright as developed in the United Kingdom until now is essentially a publisher's right. In 1694 the last of the Acts granting the Stationers' Company a monopoly in the right to copy printed material expired. Since printed material included not only books but also such works as ballads, maps, pictures and sermons, the statutory regulation of printing also constituted an effective form of censorship. In the following decade there was a statutory void permitting anyone to print and publish books, not only new books but also those of other publishers. Therefore it was the stationers, the publishers, who prayed Parliament for the protection of their 'copies' of the books. This was granted in 1709 in 'An Act for the Encouragement of Learning by vesting the "copies" of printed books in the Authors or Purchasers of such copies during the Times herein mentioned'. Section I of the Act provided that 'the Author of Any Book or Books not yet printed . . . and his Assignee or Assigns, shall have the sole liberty of printing and reprinting such books for the term of fourteen years'. It was thus the right to print and reprint the books, ie to copy it, which was granted to the author. It was a right which could not exist until the work existed in a material form. The UK Copyright Act of 1956 defines 'copyright' in relation to a work (except where the context otherwise requires) as 'the exclusive right by virtue and subject to

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2. *Copyright and Designs Law*, report of the Committee to consider the Law on Copyright and Designs, Chairman the Honourable Mr Justice Whitford, Cmnd 6732 March 1977.
 3. 'Le Droit d'Auteur dans la Communauté Européenne. Analyse comparative des législations nationales relatives au droit d'auteur face au dispositions du traité instituant la Communauté Economique' by Dr Adolf Dietz, EEC Brussels mimeo 1976.

the provisions of this Act, to do, and to authorise other persons to do, certain acts in relation to that work in the United Kingdom' (UK Copyright Act 1956, Section 1(1)). For a film the restricted acts are (1) making a copy of the film; (2) causing the film insofar as it consists of visual images to be seen in public, or, in so far as it consists of sounds to be heard in public; (3) broadcasting the film; (4) causing the film to be transmitted to subscribers to a diffusion service (*ibid* section 13(5)).

The United States Copyright Law of 1976 also locates the concept of copyright firmly around the completed works.

'Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories . . . (6) motion pictures and other audiovisual works; and (7) sound recordings.' (USA, Public Law 94-553, October 19, 1976, Section 102(a)).

The Act goes on to make a specific separation between the work and its contents.

'In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle or discovery, regardless of the form in which it is described, explained, illustrated or embodied in such work' (*ibid* Section 102(b)).

The restricted acts are specified as 1. to reproduce the copyrighted work in copies . . . 3. to distribute copies . . . of the copyrighted work to the public by sale or other transfer of ownership or by rental, lease or lending; 4. in the case of . . . motion pictures and other audio-visual works, to display the copyrighted work publicly (*ibid* Section 106).

It is clear therefore that the Anglo-American theory of copyright locates copyright firmly in the completed work. That is, copyright cannot exist until after the completion of production. It is true that subsidiary copyrights will exist in completed works which are made during the course of production such as the film script, the music score, the set designs and so on, but here again copyright does not exist until the intellectual concepts take on material form. Internationally, it is the concept of vesting copyright in the work on which the Universal Copyright Convention is based. Article I of the Convention says

'Each Contracting State undertakes to provide adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works including writings, musical, dramatic and cinematographic works and paintings engravings and sculpture' (Cmnd 5844, Article 1).

In contrast to the Anglo-American theory, which vests copyright in the completed work, most countries in continental Europe have developed the theory of an author's right. The difference in the basic concept is reflected etymologically. Thus France has a *droit d'auteur*, Spain has a *derecho de autor*, Italy has a *diritto d'autore* and the Federal Republic of Germany an *Urheberrecht*. The theory of the author's right locates the right in the individual author and posits a relationship between the author and his or her work. The nature of the relationship varies from country to country but in general the law recognises two facets of the relationship. These are an economic relationship and a moral or personal relationship. The distinction is expressed most clearly in French copyright law:

'The author of an intellectual work shall, by the mere fact of its creation, enjoy an incorporeal property right in the work, effective against all persons. This right includes attributes of an intellectual or moral nature as well as attributes of an economic nature as determined by this law' (France, Law 57-296, Article 1, UNESCO translation).

It is on the theory of the author's right that the Berne Convention is built. Article I provides that signatory states shall 'constitute a Union for the protection of rights of authors in their literary and artistic works' (Cmnd 5002, Article 1). Whilst Article 6bis(1) of the Stockholm and Paris texts clarifies the distinction.

'Independently of the author's economic rights, and even after the transfer of said rights, the author shall have the right to claim authorship of the work and object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honour or reputation' (ibid Article 6bis)

The United States is not a signatory to the Berne Convention and the United Kingdom is not yet able to adopt the Stockholm text of 1967.

Both Whitford and Dietz argue that the Berne Convention is the more progressive of the two international copyright conventions since it gives more rights to authors (Whitford op cit paras 48-60; Dietz op cit paras 13-22). Neither, however, give any attention to the effect of such an assumption on the encouragement of learning, to use the terminology of the 1709 Act, or to a crucial difference between the concept of the author in Anglo-American legal practice and that in much legal practice in continental Europe. In the United Kingdom, an author can be a physical individual or a legal person and thus the term can include not only an individual filmmaker but also a public corporation such as the BBC, or a multinational company such as Associated Television. In France and many other countries, authors are individuals and while they can transfer their economic rights by legal contract to a public corporation or a

company, their moral rights are inalienable.

A further consequence of the philosophy of the author's right enshrined in the Berne Convention, is that the right exists as a human right and that no government legislation should stand between it and its recognition. Thus any legislative requirement for the work to be deposited or registered in order to obtain protection is contrary to the spirit and indeed the letter of the law. The Universal Copyright Convention gets around the problem by guaranteeing protection of all works if from the time of first publication all copies of the work published with the authority of the author or other copyright proprietor bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright (Cmnd 5884 Article III (2)).

If the United Kingdom is to accede to the latest text of the Berne Convention therefore, seven interrelated problems arise. These are first, who is the author of a film? Second, what is the moral right of a film author? Third, what is a film? Fourth, what constitutes the publication of a film? Fifth, what will be the impact on the Rome Convention? Sixth, will it encourage learning? And finally, what are the long term implications for a national cultural policy?

Who is the author of a film?

The concept of the author's right, linking the individual both economically and morally with his work, is predicated on the assumption of an individual author. For most film production activity there is clearly no such individual. Among member states of the European Community, broadly speaking two traditions have developed. In the United Kingdom, Ireland, Luxembourg and the Netherlands the practice has been to locate the copyright either in the producer of the film or in the production company. In Belgium, France, Germany and Italy, film copyright is granted to the physical individuals participating in the production of the film. Dietz studies this problem with some care (Dietz op cit paras 122-147) but so strong is his theoretical commitment to the fundamentally individualist philosophy of the Berne Convention that it is left hanging in the air. Dietz is not the only person to have been defeated by this problem. The Stockholm text of the Berne Convention inserted a new Article 14bis which purported to resolve the contradiction. It is worth quoting in full.

' (1) Without prejudice to the copyright in any work which may have been adapted or reproduced, a cinematographic work shall be protected as an original work. The owner of copyright in a cinematographic work shall enjoy the same rights as the author of an original work, including the rights referred to in the preceeding Article.

(2) (a) Ownership of copyright in a cinematographic work shall be

98 a matter for legislation in the country where protection is claimed.

(b) However, in the countries of the Union which, by legislation, include among the owners of copyright in a cinematographic work authors who have brought contributions to the making of the work, such authors, if they have undertaken to bring such contributions may not, in the absence of any contrary or special stipulation, object to the reproduction, distribution, public performance, communication to the public by wire, broadcasting or any other communication to the public or to the subtitling or dubbing of texts of the work.

(c) The question whether or not the form of the undertaking referred to above should, for the application of the preceding subparagraph (b), be in a written agreement or a written act of the same effect, shall be a matter for the legislation of the country where the maker of the cinematographic work has his headquarters or habitual residence. However, it shall be a matter for the legislation of the country of the Union where protection is claimed to provide that the undertaking shall be in a written agreement or a written act of the same effect. The countries whose legislation so provides shall notify the Director-General by means of a written declaration which will be immediately communicated by him to all other countries of the Union.

(d) By "contrary or special stipulation" is meant any restrictive condition which is relevant to the aforesaid undertaking.

(3) Unless the national legislation provides to the contrary, the provisions of paragraph (2)(b) above shall not be applicable to authors of scenarios, dialogues and musical works created for the making of the cinematographic work, nor to the principal director thereof. However, those countries of the Union, whose legislation does not contain rules providing for the application of the said paragraph (2)(b) to such director, shall notify the Director-General by means of a written declaration which will be immediately communicated by him to all the other countries of the Union.'

Shorn of its rhetoric, the purpose of Article 14bis is clear. It is an attempt to sidestep the fundamental theoretical assumption on which the Berne Convention is built. Paragraph (1) shifts the location of protection from the author to the work and replaces the concept of the author of a film with the concept of the owner of the copyright. Paragraphs (2) and (3) then deprive individual and physical authors who have contributed to the work of their moral rights, either directly in paragraph (2) or permissively in the case of script writers, dialogue writers, composers or directors through the application of paragraph (3)

The transfer of rights outlined in Article 14bis is of fundamental theoretical and therefore ideological importance. It has significant repercussions which the drafters of the Stockholm revision to Berne, the Whitford Committee and the Dietz Report all ignore. Not only

does Article 14bis deprive individual authors of their moral rights so that the rights of film labour do not interfere with those of film capital, but it also grants a moral right to the owner of film copyright – in the United Kingdom, the production company.

The significance of the shift may be perceived by recalling the twin aims enshrined in Article 27 of the Universal Declaration of Human Rights.

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Not only does Article 14bis of Berne diminish the rights of contributors to a film which Article 27(2) sets out to protect, but in so doing, it also deprives individuals of the right to participate in the cultural life of the community as we shall see. First, however, it is necessary to examine the concept of the moral right which must be given to the owner of a film copyright.

What is a moral right?

The concept of a moral right has never existed in British law and the Whitford Committee proposes its introduction with relatively little debate. The specific form of legislation which they propose is based on Article 25 of the Netherlands Copyright Act (Whitford *op cit* para 55).

‘ Even after transfer of his copyright, the author of a work shall have the following rights:

- (a) the right to object to publication of the work under a name other than his own, as well as any other alteration of the name of the work or the indication of the author, if such name or indication appears on or in the work or has been made public in conjunction with the work;
- (b) the right to object to any other modification of the work, except where the nature of the modification is such that it would be unreasonable to object to it;
- (c) the right to object to any distortion, mutilation or other modification of the work which would be prejudicial to the honour or reputation of the author or his value as such.

The right referred to under (a), (b) and (c) above shall accrue, after the death of the author and until the copyright expires, to the person whom the author shall have appointed by will or codicil. The right referred to under (a) and (b) above may be transferred when modifications are to be made to the work or to its name. If the author of the work has transferred his copyright, he shall retain the right to make such modifications to the work as he may

100 make in good faith with rules established by social custom. As long as copyright subsists, the same right shall belong to the person whom the author has appointed by will or codicil, if it may reasonably be supposed that the author would have approved such modifications.'

For Whitford, the moral right of the author, if so drafted, would be limited to a right of 'paternity' expressed as a right to prevent some other person being named as the author and would permit reasonable modifications to be made to the work (ibid para 56). Whether such a sanguine view is justified is open to question, for in the case of film production, the definition of a work is not as obvious as it might at first appear.

What is a film?

The definition of a cinematograph film does not simply include films on a celluloid base, it extends to video recordings (ibid para 889). This wider definition of film has significant ramifications. The distinction between cinematograph film and videorecordings is not limited to the different physical support material on which the images are stored, it also represents a shift from chemical and mechanical technology to electrical technology. It harnesses film to a whole new set of electronic image generation, storage and transmission possibilities which are as different in scale and scope as those which separate the computer from the slide rule. The total inadequacy of the Whitford Committee in dealing with the problems raised by computer programming and computer networks has already been attacked elsewhere,⁴ but it is necessary to bear in mind that it is possible to store video images in a computer and, by linking a series of computers together, in four or five different countries, either to replay those images on a video screen in any one of the countries concerned, or to create new films by re-programming the computer with instructions designed to regroup and rearrange the images. As Starr has pointed out⁵ the production process consists of two basic parts – a transformation process and an assembly operation and the advent of computer technology radically changes the relationship between the two. Film production too may be viewed in these terms. In the transformation process the pro-filmic event is recorded in image form while in the assembly operation the images are assembled into sequences to create a

4. H S Bloom 'A Legal Broadside for the Pirates . . . but is it mis-directed?' and 'Give us an Act that fits not just a hand-me-down' in *Computing in Europe* 7.7.1977 and 14.7.1977.

5. M K Starr, 'Modular Production – A New Concept' in *Harvard Business Review* 1965, 43, p 131. Reprinted in *Management of Production: Selected Readings*, ed M K Starr, Penguin 1970.

meaningful narrative. As Starr has pointed out, the way to achieve maximum consumer choice is to design, develop and produce those parts – in the case of film these could be individual shots, pro-filmic events or narrative sequences – which can be combined in the maximum number of ways. The creative possibilities available are clearly immense, for electronic technology offers not simply a one way distribution channel but also a two way interaction. There is the possibility that film could achieve the status of a language which it does not now possess.

There is, of course, an important difference between what is technically feasible and what will happen in the future. Political and economic factors will play a key role in determining the extent to which these technological possibilities become a reality. For our purposes, however, it is enough to note that the concept of 'a film' incorporates two stages, the transformation process and the assembly process and that the copyright laws limit the ways in which not only the work as finally assembled may be reproduced, but also the ways in which the individual elements of that assembly may be reproduced. In the United Kingdom, the definition of a film is made extremely tightly as

'any sequence of visual images recorded on material of any description . . . so as to be capable . . . of being shown as a moving picture . . . or to any record of sounds which is incorporated in any print, negative tape or other article on which the film or part of it in so far as it consists of visual images, is recorded, or which is issued by the maker of the film for use in conjunction with such an article.' (United Kingdom, Copyright Act 1956 Section 13(10))

Therefore any sequence of visual images capable of showing movement and any accompanying soundtrack constitutes 'a film' and is protected. The result of granting to film authors a moral right, even in the limited form advocated by Whitford, would be to grant the film production company the right to object to any distortion, mutilation or other modification of any sequence of visual images which would be prejudicial to the honour or reputation of the production company or its value as such. This right, unlike the right to object to publication of the work under a name other than his own as well as any other alteration of the name of the work or the indication of the author and the right to object to any other modification of the work, would not be transferrable when modifications were to be made to the work or to its name. We thus reach a situation where a film production company which produces a sequence of visual images has the right to object to any modification of any sequence of visual images which would prejudice its honour or reputation. This sequence could stretch from three or four images up to the length of a completed feature film. Such a right, if granted to production companies, would provide them with the power to prevent any criticism or fair dealing with their work

The concept of fair dealing for criticism and review has always been a concept which has been enshrined in copyright legislation. There are however no provisions for fair dealing which extend to cinematograph films, sound recordings and broadcasts in current legislation in the United Kingdom. Whitford however, in a positive move, does recommend that a general exception be made in respect of 'fair dealing' which does not conflict with normal exploitation of the work or subject matter and which does not unreasonably prejudice the interests of copyright owners (Whitford *op cit* para 677). Unfortunately however, Whitford's arguments justifying the inclusion of a general provision for fair dealing specifically exclude consideration of moral rights and locate their justification in economic argument (*ibid* para 676). 'Fair criticism or comment and quotation for the purposes of discussion and debate, need not, and should not, involve any reproduction of so much work as would give the reader of "the comment", the whole of the original work, or even the substance of it.' (*ibid*) Such an argument falls down where film is concerned since the definition of 'a film' can shift from the whole film to a sequence of visual images.

Thus although Whitford apparently extends the concept of fair dealing to films, its extension in principle is of dubious real value. Not only have film production companies been granted the moral right to prevent any fair dealing which prejudices their reputation, but it will also be impossible to 'quote' from a film since any sequence of moving images constitutes a film.

What constitutes publication?

In the 1709 Act which, it will be recalled, was an Act for the Encouragement of Learning, not only were authors granted rights in the copies of their books, but the publishers were required to deposit copies of the books with the libraries of deposit. Today there are five libraries of deposit, the British Library, the Bodleian Library in Oxford, the Cambridge University Library, the National Library of Scotland and the Library of Trinity College Dublin. The books were to be deposited on publication. Publication therefore, is a matter of some importance not only because of the question of statutory deposit, but also because the term of copyright protection starts from the date of publication of the work. Under current United Kingdom law, copyright shall subsist in every film until it is published and shall then subsist for a further fifty years after publication. For a feature film, registration with the Department of Trade under the provisions of the Films Act constitutes publication (United Kingdom, Copyright Act 1956 Section 13(3)(a)). For films which are not registrable, it is the sale, letting on hire, or offer for sale or hire of copies of the film to the public which constitutes

publication (ibid Section 13(10)). Whitford recommends that the legislation is amended to follow the provisions of Article 7(2) of the Berne Convention which provides for a minimum term of copyright of 50 years from the first public showing (which includes broadcasting) or 50 years from making if not publicly shown in the first fifty years of its life (Whitford op cit para 50(iii)(a)).

Unfortunately however, what Article 7(2) of the Berne Convention says is 'However, in the case of cinematograph works . . . the term of protection shall expire 50 years after *the work* has been made available to the public with the consent of the author, or failing such an event within 50 years of the making of such a work, 50 years after the making' (my emphasis). Furthermore, Article 3(3) of the Convention specifically says, 'The performance of a dramatic, dramatico-musical, cinematographic or musical work . . . the communication by wire or the broadcasting of literary or artistic works . . . shall not constitute publication'. Thus what Whitford proposes confuses a distinction between making the work on its physical support material available to the public and the performance of the work in public.

The distinction between publication and performance is an important one. Not only is there the problem of deciding whether a performance in a club or at a film festival constitutes a private or a public performance but there is also a severe problem in defining the concept of an electronic performance. Broadcasting is no longer a national activity, films broadcast in the United Kingdom are both received and relayed by cable in Belgium, in Ireland and in the Netherlands. Does performance occur when the film or videotape is converted into an electronic signal, does it occur when the electronic signal is broadcast either through the ether or along a cable, or does it occur when the signal takes visible or audible form in a television set? Whitford does not even ask the questions let alone try and answer them.

The slippage between the concept of supplying copies and the concept of providing a performance, which is such a crucial element in the economic exploitation of films, and to which Whitford succumbs, has for many years enabled film-makers to deny the public copies of their films for the encouragement of learning while at the same time enjoying the benefit of a copyright rather than a performing right. Thus a close examination of the concept of publication, as enshrined in the Berne Convention, forces us to re-examine the relationship between the protection of authors and the protection of performers as defined by the Rome Convention.

The international protection of performance

There are basically two approaches to the international protection of performance—a term which covers both the individual performance of a performer and the performance of a physical copy of a

104 work such as a film. In the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, the two concepts of performance were linked together. The Convention protects the rights of performers in their performances, of broadcasters in their broadcasts and of record producers in their records. In the Berne and the Universal Copyright Conventions however the protection only extends to the performance of works of authors. Thus Article IVbis of the UCC includes the right to authorise reproduction by any means, public performance and broadcasting. While in the latest text of the Berne Convention, Article 11ter gives authors of literary works the right to authorise public recitation of their works and any communication to the public of the recitation of their works; Article 11(1)(i) gives authors of dramatic, dramatico-musical and musical works the right to authorise the public performance of their works including such public performance by any means or process; Article 14(1)(ii) gives authors of literary or artistic works (which include cinematographic works and, by assimilation of Article 14bis quoted above, owners of copyright in cinematographic works) the right to authorise the public performance and communication to the public by wire of the work; and Article 11bis gives authors of literary and artistic works the right to authorise the broadcasting of their works or the communication thereof to the public by any other means of wireless diffusion or by rebroadcasting a broadcasting of the work.

There are several key distinctions which need to be made between the three approaches embodied in the three Conventions. In the Rome Convention, the concept of protecting the performance of the individual is linked not only to the protection of the rights of record producers in their records but also to the right of broadcasters to control the broadcasting and rebroadcasting of their broadcasts and the communication to the public of the broadcasts 'in places accessible to the public against payment of an entrance fee' (Cmnd 2425 Article 13(d)). Thus broadcasts are not protected from cable diffusion into private homes by the Rome Convention.

In the Universal Convention, the protection is limited to words which bear the international copyright symbol, the date of publication and the name of the copyright proprietor and the rights of the proprietor of the copyright do not extend to rebroadcasting the work by cable.

In the Berne Convention, on the other hand, the rights are given to authors, and, in the case of films to copyright proprietors. However, protection exists without the work being published, or even existing in material as opposed to electrical form. The Convention however does offer the author protection against unauthorised cable distribution.

Thus it may be seen that the international protection of performance of works and, in particular their protection against cable diffusion, can be linked theoretically and thus legislatively, either

to the concept of individual performance, or to the concept of the protection of the right of the individual or corporate author, or to the protection of the completed work. As we noted earlier, by regarding film production as a transformation process followed by an assembly of components, the creative possibilities generated by electronic recording, storage and retrieval of images become immense. The conceptual approach to the commercial protection of such images, their copying and/or their performance requires some care. Whitford's approach, essentially that of the Berne Convention, enshrines two major difficulties which cannot be ignored. First, by adopting the concept of protecting the author's right, there is no need for the work to exist in a physical form. It can lie in a series of unassembled components in electronic storage which can be assembled by the appropriate programming either of an individual computer or of a network of computers linked internationally. Second, by assimilating broadcasters into the Berne Convention as owners of copyright by the provisions of Article 14bis and by extending the rights of producers of phonograms by signing the Geneva Convention the long term future of the Rome Convention is thrown into question. Both broadcasters and producers of phonograms are extending their rights while those of performers stand still. In such a situation there might be strong pressure from both broadcasters and record producers for the Government to secede from the Rome Convention leaving performers protected only insofar as the rights of record producers and broadcasters deem fit. It is perhaps not insignificant therefore that Whitford is against preparing a single Act consolidating copyright and performer protection (Whitford *op cit* para 414(v)) and also takes the view that the necessity to obtain a performer's consent in writing before 'fixing' it should be deleted (*ibid* para 413).

The encouragement of learning

By adopting the philosophy of the author's right enshrined in the Berne Convention, Whitford is able to argue, quite logically, that there seems to be no good reason why legislation for the maintenance of libraries of deposit should form part of the law of copyright (*ibid* para 807). The committee however then goes on to argue that the cost of deposited copies should continue to fall on authors and publishers (*ibid* para 820). When it comes to discussing films however, although it declares itself in favour in principle of creating a national archive of films and published visual and sound recordings, it then argues that its establishment was beyond its terms of reference (*ibid* para 830). It is perhaps worthwhile to recall that the terms of reference of the Committee were 'to consider and report whether any, and if so what, changes are desirable in the law relating to copyright . . .' and to note that the Committee did feel able to devote a whole chapter of its report

106 to the question of libraries of legal deposit. It is difficult to avoid the conclusion that the Committee shirked its responsibilities not only with regard to a film archive but also with regard to a broadcasting archive. Here, not only are there commercial and administrative problems concerning the costs of deposited prints and the funds necessary for running such an archive, but there are also substantial conceptual problems involved with the protection of overseas broadcasts, which will be protected if they are diffused in this country and if the Committee's proposals are endorsed. There will be no mechanism whereby these broadcasts can be recorded or deposited and made available for scholars either now or in the future. They are better organised in the United States where the new copyright law provides in its supplementary provisions for the Librarian of Congress to establish and maintain a library

' to be known as the American Television and Radio Archives . . . The purpose of the Archives shall be to preserve a permanent record of the television and radio programs which are the heritage of the people of the United States and to provide access to such programs to historians and scholars.' (USA, Public Law 94-553 Supp Section 113(a) (2 USC 170))

Once the question of statutory deposit is separated from the concept of copyright then its future existence is thrown into doubt. While Whitford may be right in a narrow legal sense to argue that statutory deposit is separate from the protection of author's rights, scholars and historians would do well to remember that the libraries of legal deposit for books would not exist today had not the 1709 Act linked the right to copies which it vested in authors to the requirement to deposit books in libraries for the encouragement of learning.

Learning may also be encouraged by encouraging private study. The right to copy audio-visual works for private study will be adequately covered by Whitford's proposal to adopt the West German policy of charging a levy on the sale of all audio and video recording equipment (Whitford *op cit* para 320) but the concept of publishing extracts of the work for fair dealing purposes presents some problems. I have noted above how the granting of a moral right to a production company could severely hamper, if not prevent, the opportunity for 'fair dealing' in the film medium. Another substantial obstacle is imposed when Whitford specifically rejects the proposal that fair dealing should extend to audio and video recording. The reasons make interesting reading. Such a provision, Whitford argues, 'would not satisfy the needs of most users, while a widening of the term would create a virtual free-for-all with copyright owners getting no benefit' (*ibid*). 'Such a wide provision', it continues, 'would offend our international convention obligations'. It does not explain how or why. Finally it

concludes, 'Furthermore, we consider that an extension of the fair dealing provisions is unnecessary since the proposals hereafter made for a levy and blanket licences will meet the need for which an extension of fair dealing was suggested' (ibid). The levy on the sale of audio and video recording equipment is for private recording and is to be supplemented by an annual licence fee payable for recording in educational institutions. Thus fair dealing which involves the recording of audio-visual works is not to be permitted unless it is carried out in an authorised educational institution. Similarly, additional performing licences will be necessary (ibid para 326). These restrictions may well place British scholars and historians at a substantial disadvantage compared with their colleagues in the United States. There, where copyright restrictions are based on restricting performance, the Act permits fair use for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research (USA, Public Law 94-553 Section 107) and the reproduction by libraries or archives (ibid Section 108). The American philosophy of copyright protection is concerned with the commercial effect of fair use. It specifies the factors to be considered in assessing fair use as including the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; the nature of the copyrighted work; the amount and substantiality of the portion used in relation to the copyrighted work as a whole; the effect of the use upon the potential market for or value of the copyrighted work (ibid Section 107).

It may be seen therefore that so far as the encouragement of learning is concerned, the proposals advanced by Whitford are substantially less than those currently available to students, scholars and historians in the USA. By linking the whole philosophy of its report to the Berne Convention, Whitford has been able to give film producers a moral right which may severely hamper the provision for fair dealing. The Report denies scholars the opportunity of setting up a national film and television archive and of recording works for the purpose of research or fair dealing unless either they are recorded privately or in an authorised educational institution against payment of an additional recording and performing licence.

Towards a cultural policy for film

The dominant policy for the international protection of film in Europe is that of the protection of authors' rights as expressed in the Stockholm and Paris texts of the Berne Convention. The Convention offers substantially more protection to film producers and broadcasting organisations than it does to individual and physical authors, while it offers no protection to individual performers. The extensive adoption of this Convention by signatories to

108 the Rome Convention could seriously prejudice the long term future of the Rome Convention. The tenets of the Berne Convention make it impossible to link any legislative demands for the statutory deposit of film and television programmes to copyright protection and the specific proposals for fair dealing with respect to film and video programmes enshrined in Whitford severely limit the possibility of developing an autonomous film culture based on scholarship and fair dealing. While it cannot be denied that one element of a film culture involves the economic protection of films through the agency of copyright, the concept of film as a commercial good, subject only to the ebb and flow of an international market economy, must be balanced by forces which recognise the long-term cultural and informational value which film can bring to society. In the countries of Eastern Europe the state control of film production and distribution and of broadcasting permits the simple regulation of the supply and availability of works to be decided at government level. Within the European Economic Community, where different relations obtain between commercial forces and cultural forces, a balance will be more difficult to achieve. Such a balance is necessary however and attempts to cling to the commercial assumptions enshrined in the Berne Convention are no longer adequate. As Edwin Parker has observed,

'As the amount of information flowing across national boundaries continues to increase, the considerations that apply to national policies will increasingly apply to international policies. There is an increasing need for a trend away from competitive strategies and towards co-operative strategies. Co-operation is essential to information flow: without co-operation common symbols with shared meanings that are essential for communication are not developed.' (E B Parker, 'Social implications of computer/telecom systems', *Telecommunications Policy* Dec 1976.)

As Parker also observes, the growing theory of information economics has already been able to show that an absence of collective decision-making with respect to information leads to non-optimal economic results although as yet there is no clear guidance as to what would constitute an effective information policy (ibid). By concentrating exclusively on protecting authors' rights and ignoring the cultural progress of society, the United Kingdom and the whole of the European Community are in danger of stunting cultural growth, particularly the growth of a film culture. What is needed is an overall policy which can integrate both commercial and cultural needs. Such a policy would need to consider the optimum criteria for a cultural policy, the problem of fair dealing for film and television, the provision of archive resources for students, historians and scholars, and the relations between cultural workers and cultural capital.

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SEFT/London Film Makers' Co-Op: The Avant-Garde and Narrative (2)

Following the first of the SEFT/Co-op schools on avant-garde cinema and narrative, we are holding a second day school focusing on the area of 'structural' or 'materialist' film. The event will comprise screenings organised round open discussions. It will take place on Saturday, 20th May at the Co-op, 42 Gloucester Avenue, London NW1, from 10.30 am-5.30 pm.

The cost is £1.50 (£1.00 to full-time students and other students without full-time employment). Numbers will be restricted to 50. If you wish to attend please send the fee to SEFT (students should include a photocopy of their student card). The fee will be acknowledged and documentation will be sent to you about one week before the school.

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